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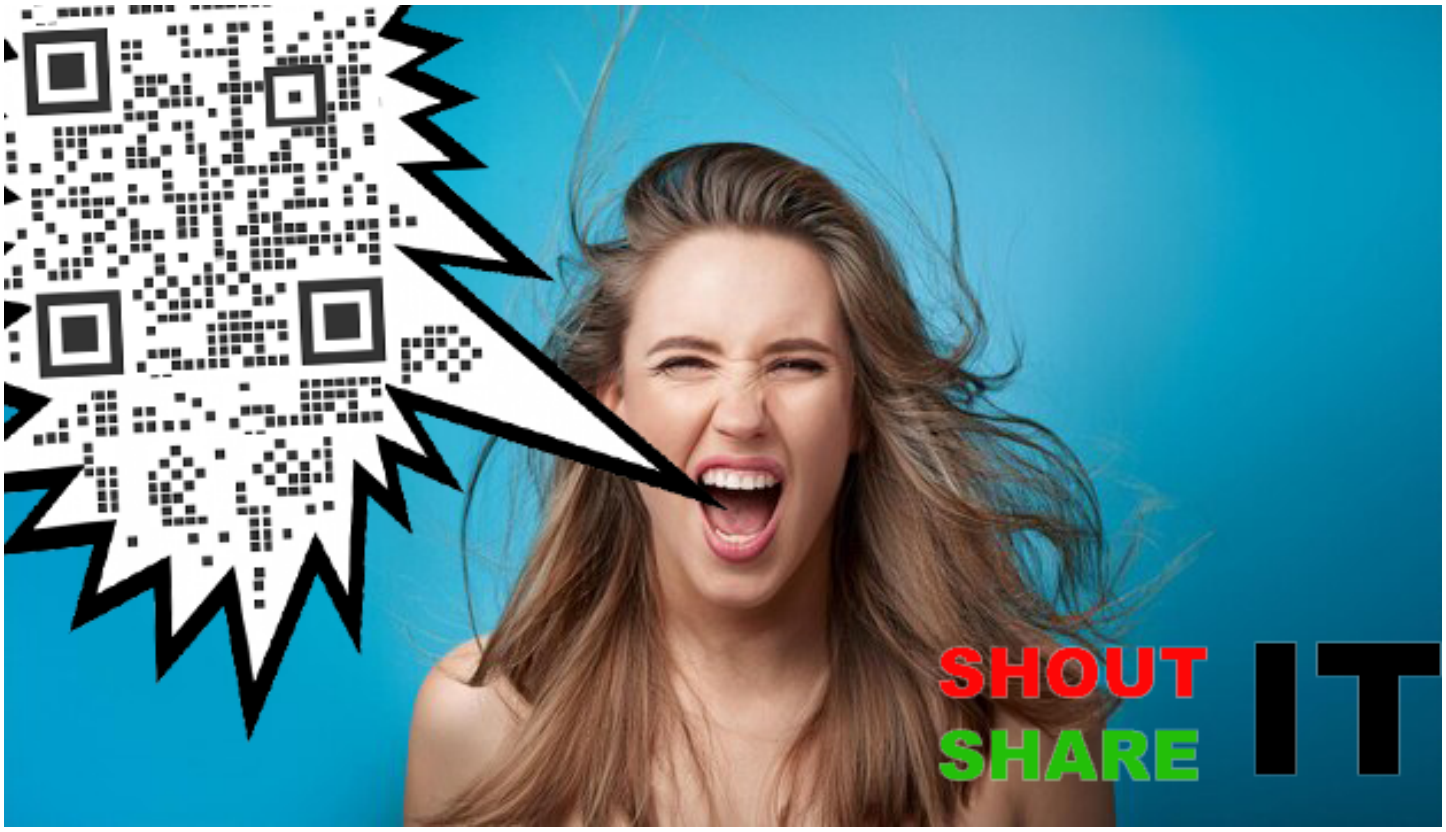
THE Indian Parliament

A DEMOCRACY AT WORK

B.L. SHANKAR
VALERIAN RODRIGUES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B.L. Shankar
Valerian Rodrigues

Abbreviations

AASU	All Assam Students Union
ABHM	Akhil Bharatiya Hindu Mahasabha
ABJS	Akhil Bharatiya Jan Sangh
ABLTC	Akhil Bharatiya Lok Tantrik Congress
ABSU	All Bodo Students Union
ABVP	Akhil Bharatiya Vidyarthi Parishad
AC	Arunachal Congress
AGP	Asom Gana Parishad
AIADMK	All India Anna Dravida Munnetra Kazhagam
AICC	All India Congress Committee
AIFB	All India Forward Block
AIGP	All India Ganatantra Parishad
AIIC (S)	All India Indira Congress (Secular)
AIIC (T)	All India Indira Congress (Tiwari)
AIJP	All India Janata Party
AIMIM	All India Majilis-E-Ittehadul Muslimeen
AIML	All India Muslim League
AIR	*All India Reporter*
AIRJP	All India Rashtriya Janata Party
AISCF	All India Scheduled Castes Federation
AISF	All India Students Federation
AITC	All India Trinamool Congress
APHC	All Party Hill Leaders Conference
ASDC	Autonomous State Demand Committee
BAWS	*Dr Babasaheb Ambedkar: Writings and Speeches*
BBM	Bharatiya Bahujan Mahasangha
BC	Bangla Congress
BJD	Biju Janata Dal

BJP	Bharatiya Janata Party
BJS	Bharatiya Jan Sangh
BKD	Bharatiya Kranti Dal
BKKP	Bharatiya Kisan Kamar Party
BLD	Bharatiya Lok Dal
BNP	Bharatiya Netaji Party
BSP	Bahujan Samaj Party
CAD	*Constituent Assembly Debates*
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
Congress (O)	Congress (Organization)
CPI	Communist Party of India
CPI (M)	Communist Party of India (Marxist)
CSDS	Centre for the Study of Developing Societies
CSPJ	Chota Nagpur and Santhal Parganas Janata Party
CWP	Commonwealth Party
DFSI	Dravidian Federation of South India
DMK	Dravida Munnetra Kazhagam
DRSC	Departmentally Related Standing Committee
FBL	All India Forward Bloc
FBM	All India Forward Bloc (Marxist)
FPPS	first past the post system
GP	Ganatantra Parishad
GoI	Government of India
HLD (R)	Haryana Lok Dal (Rashtriya)
HLS	Haryana Lok Samiti
HVP	Haryana Vikas Party
IFDP	Indian Federal Democratic Party
INC	Indian National Congress
INC (I)	Indian National Congress (Indira)
INC (O)	Indian National Congress (Organization)
INLD	Indian National Lok Dal
ISKCON	International Society for Krishna Consciousness
IUML	Indian Union Muslim League
J&K	Jammu and Kashmir
JD	Janata Dal
JD (S)	Janata Dal (Secular)
JD (U)	Janata Dal (United)
JHP	Jharkhand Party
JKNC	Jammu & Kashmir National Conference
JKPDP	Jammu and Kashmir People's Democratic Party
JMM	Jharkhand Mukti Morcha

JPM	Jayaprakash Narayan-led Movement
KCP	Karnataka Congress Party
KEC	Kerala Congress
KEC (M)	Kerala Congress (Mani)
KLP	Krishikar Lok Party
KMPP	Kisan Mazdoor Praja Party
LJSP	Lok Jan Shakti Party
LKD	Lok Dal
LS	Lok Shakti
LSD	*Lok Sabha Debates*
LSS	Lok Sewak Sangh
MADMK	M.G.R. Anna Dravida Munnetra Kazhagam
MAG	Maharashtrawadi Gomantak
MDMK	Marumalarchi Dravida Munnetra Kazhagam
MGP	Maharashtrawadi Gomantak Party
MISA	Maintenance of Internal Security Act
MLA	Member of Legislative Assembly
MNF	Mizo National Front
MP	Member of Parliament
MPP	Manipur People's Party
MPVC	Madhya Pradesh Vikas Congress
MSCP	Manipur State Congress Party
MUL	Muslim League
NCERT	National Council of Educational Research and Training
NCP	Nationalist Congress Party
NCRWC	National Commission to Review the Working of the Constitution
NDA	National Democratic Alliance
NF	National Front
NLP	National Loktantrik Party
NPF	Nagaland People's Front
OBC	Other Backward Class
PCC	Pradesh Congress Committee
PD	*Parliamentary Debates*
PDF	People's Democratic Front
PDP	People's Democratic Party
PEPSU	Patiala and East Punjab States Union
PIL	Public Interest Litigation
PMK	Pattali Makkal Katchi
POTO	Prevention of Terrorism Ordinance
PSP	Praja Socialist Party

PWP	Peasants and Workers' Party
RJD	Rashtriya Janata Dal
RLD	Rashtriya Lok Dal
RNCRWC	*Report of the National Commission to Review the Working of the Constitution*
RPI	Republican Party of India
RPI (A)	Republican Party of India (Athawale)
RRP	Ram Rajya Parishad
RSD	*Rajya Sabha Debates*
RSP	Revolutionary Socialist Party
RSS	Rashtriya Swayamsevak Sangh
RTC	Round Table Conference
SAD	Shiromani Akali Dal
SAD (M)	Shiromani Akali Dal (Simranjit Singh Mann)
SAP	Samata Party
SC	Scheduled Caste
SCR	*Supreme Court Reporter*
SDF	Sikkim Democratic Front
SEZ	Special Economic Zone
SHS	Shiv Sena
SJP (R)	Samajwadi Janata Party (Rashtriya)
SMP	Samyukta Maharashtra Parishad
SMSP	single member simple plurality system
SMS	Samyukta Maharashtra Samiti
SOC	Socialist Party
SP	Samajwadi Party
SSP	Samyukta Socialist Party
ST	Scheduled Tribe
SWA	Swatantra Party
TADA	Terrorism and Disruptive Activities (Prevention) Act
TC	Trinamool Congress
TDP	Telugu Desam Party
TMC	Tamil Manila Congress
TMC (M)	Tamil Manila Congress (Moopanar)
TNTP	Tamilnad Toilers Party
TPS	Telengana Praja Samiti
TRS	Telengana Rashtra Samiti
TTNC	Tamilnad Travancore Congress Party
UC	Utkal Congress
UDF	United Democratic Front
UFN	United Front of Nagaland
UGC	University Grants Commission

UGDP	United Goans Democratic Party
UGSG	United Goans Sequeira Group
UMFA	United Minorities Front Assam
UPA	United Progressive Alliance
VISH	Vishal Haryana Party
VHP	Vishwa Hindu Parishad
WBTC	West Bengal Trinamool Congress

Introduction

India's Parliamentary Democracy and its Critics

IN RECENT YEARS there has been a great deal of interest on the study of public institutions. Major political analysts have argued that the health and long-term political stability of societies, together with their capacity to cope with demands, depends upon the kind of public institutions prevailing in them.[1] Through their mechanisms and processes, public institutions pool together interests, concerns, and pursuits, suggest ways and means of negotiating across them, strive to develop a shared understanding, separate the significant from the not-so-significant, and propose devices for the implementation of their decisions. As a system of rules they determine who gets what, when, how, and why. They establish the condition for bounded rationality and make room for many interdependent actors to function. North has argued that even when individuals seek to maximize utility, they must learn to adapt to and accept the institutional norms and values for success within these institutions. Institutions also compete, complement, and act as checks and balances with other institutions. The way public institutions work tells us a great deal about the way '[the] state is both constituted and enabled to act on the one hand and [is] constrained in its powers and capacities on the other'.[2] The difference between a good society and a good polity, on the one hand, and a bad society and a bad polity, on the other, largely depends upon the nature, strength, and efficacy of public institutions.

Institutions define and play a regulatory role with regard to human behaviour. They shape preferences, power, and privilege. They also provide a sense of order and predictability. At the same time, institutions themselves can be transformed by the politics they produce and such transformation can affect social norms and behaviour. Once established, institutions set up a dynamic

relationship with the members constituting them and they mutually affect each other.

It is important to note that behaviour occurs in the context of institutions and can be made sense of largely in an institutional framework. Behaviourists, however, thought that individual behaviour could be understood through expressed preferences which are taken to be the real preferences. It is important to note that an individual with a set of preferences might deviate from a particular choice when the institutional framework changes. But even the field of such deviations is deeply marked by institutions. Institutions reshape preferences by selecting some interests at the expense of others or by reducing unwieldy diversity to palpable choices. This does not mean that institutions are always guided by fairness or virtue, but they play a major role in defining and circumscribing the space of the fair and virtuous. It is not contestation between ideas but institutions that often determines social outcomes.

There are different types of public institutions—those that form government and the authoritative regime and those constituting civil society. There is a close relationship between the two kinds. While civil society institutions postulate the limits which public authority cannot trespass, public authority stipulates the limits which civil society institutions have to respect against the threat of anarchy. This is not to suggest that the relation between governing and civil society institutions, on the one hand, and across civil society institutions, on the other, can be measured by the same yardstick. There is much mismatch across them, throwing up reformist as well as radical possibilities. It is important to note that civil society institutions wet and filter public opinion, demarcate the significant from the insignificant, and communicate their recommendations to the governing institutions through innumerable channels and ties.[3]

What kind of institutions should societies put upfront and what kind of mix between governing institutions and civil society institutions should they seek? Are merely informal networks based on shared norms, networks, and trust, broadly termed social capital, adequate for the task or do we need 'the catalytic intervention of active political and administrative agents?'[4] While social capital is highly desirable, there is a broad acceptance today that state and governance play a major role even in making social capital work.[5] Local governance and local institutions are neither self-generated nor self-sustaining.

One may endorse the need for governance without foregrounding the appropriate institutions for the purpose. Those who are merely concerned with governance, however, need not acknowledge the necessity of a state; they may not even regard the distinction between democratic institutions and an authoritarian state as significant. Those who consider democratic institutions as significant, however, need to look not merely towards the state

but also break it down into its component parts and see the functioning of its institutions discretely. The institution of the legislature looms large in this context.

The relationship between public institutions and culture, however, is one of the most complex issues to negotiate and is deeply caught in some of the central contestations of political philosophy and sociological theory. A veritable body of literature on this issue grew as modern institutions deeply anchored in European cultural and civilizational contexts began to incorporate themselves in markedly different societies. In India it has precipitated an ongoing debate, intense during some periods, which would be alluded to in different parts of this study. Suffice it to say, at this juncture, that institutions and cultures have proved themselves mutually malleable. Such malleability need not always be understood in the sense of isomorphism but as cultural contexts profoundly shaping a set of institutions rather than another, as well as the nature and meaning of such institutions.[6] While there is much debate on this issue, it is important to state here that institutions have to earn democratic legitimacy. A set of institutions may be more favourably disposed towards the pursuit of such an objective in comparison to others. It is, however, important to note that public institutions cast their own spell on culture and redefine them in important ways. But one worrisome issue is the extent to which the malleability of culture can be endorsed, even if it is pursued by institutions with strong democratic credentials. Such interventions may strongly affect contexts of choice eventually weakening the credibility of the institutions themselves.[7]

THE INDIAN PARLIAMENT AND ITS CRITICS

In the course of constitutional developments under colonial rule and the nationalist struggle, there emerged a broad consensus in India that the Parliament would be the most important institution around which the nation would build its public life. In the *Constituent Assembly Debates* (*CAD*), there were arguments on whether India should opt for a Presidential or Parliamentary form of government, or a modified version with elements drawn from both these models. The debate, as we will argue later, came to be settled in favour of the Parliamentary form of government.

Several arguments attributed to Dr Ambedkar have been recorded in the *CAD* in defence of the Parliamentary system. But, by and large, he was expressing the consensus of the House in this regard. According to him, the Parliamentary system is eminently suited to India since it can accommodate and represent India's diversities, while in the Presidential form of government there is a possibility of diversity and difference being sidelined. Parliamentary government provides a mechanism for uninterrupted endorsement of a regime because an adverse popular mood may lead to the erosion of majority

support in the House. Change in public opinion gets reflected in the support a ruling party or coalition enjoys on a day-to-day basis. Besides, the extent of accountability and popular control is far higher in a Parliamentary system. A Presidential system can tend to become authoritarian and can easily avoid or scuttle public scrutiny over a range of activities. For Ambedkar, the Parliamentary system epitomized the principle of 'more responsibility to more stability.'[8]

These arguments, eminently reasonable, may not elicit the kind of acclaim today as they did in the Constituent Assembly. The shortcomings and lacunae in the Parliamentary system often begetting political instability lend themselves to the belief in many that the grass is greener on the other side. But, while the *CAD* were bogged down with profound disagreements on other issues, the Parliamentary mode of government gained widespread support.[9]

In post-independence India, we find that the Executive has enjoyed a pronounced dominance over the Parliament as the welfare and developmental state made advances into every nook and corner of the public arena. There has been collusion between the Executive and bureaucracy in this regard. Such a privileging of the Executive has tended to relatively reduce the Parliament's influence. In the 1970s, a strange debate emerged on the relative supremacy of the Parliament vis-à-vis the Judiciary. In fact, given the hold of the Executive over the Parliament, this debate was effectively about the relative supremacy of the Executive vis-à-vis the Judiciary. Such marginalization of the Parliament eventually resulted in encroachment of its spaces by other public organs. Many have attributed the rise of judicial activism in India to this shrinking role of the Parliament.[10]

Given such a perception of Parliament in recent years, there has been a fresh debate as to whether India should opt for the Presidential form of government or not. Scholar–diplomats like B.K. Nehru expressed favour for the Presidential form as early as the 1970s. They did not deny that the deep diversity in India informs its Parliamentary form of government but they shifted their attention from representation to political stability. Given the play of identities in India, there is always the possibility of a hung Parliament and an unstable government, if representation does not lead to a stable majority. The Presidential form, it has been argued, would ensure better prospects of political stability, efficiency, and faster delivery of decisions and goods than the Parliamentary form of government.[11] With hung Parliaments in the 1990s, this issue resurfaced in recent years.

Another strand of opinion is that the Indian Prime Minister is an office unlike its counterparts elsewhere. The colonial legacy and subsequent developments have concentrated enormous powers—not merely de facto but de jure—in the hands of the Prime Minister. If the Prime Minister in India truly acts like a President, why not anoint him with the real title or an appropriate

one? Those who show their preference for the Presidential form of government or wish to convert the Prime Ministerial office into a de jure Presidential form cite certain pedagogical reasons as well—that the Presidential form provides an exemplary role model for the young. Such an ideal can inspire a sense of national unity among the citizens. Given the kind of disintegration and fragmentation that India faces, nurturing such a value would be commendable.

There have been other arguments which have strengthened the position of votaries of the Presidential form of government. Illiteracy and mass poverty have continued to overwhelm public policy in India. Some feel that the Presidential form of government may instil the necessary discipline, efficiency, and coherence to handle these issues, issues in which the Parliamentary form of government has hitherto cut a sorry figure. Most of the Parliamentarians, it has been argued, tend to look for their short-term gains, including electoral, rather than collectively pursuing the national interest. A President, it has been suggested, can insulate himself/herself from such short-term interests and give priority to long-term goals of the polity.[12] Pluralism without a definitive anchor can deeply fragment a polity. Threats of such fragmentation can raise numerous prejudices and reinforce authoritarianism and majoritarian tendencies. The Presidential system, it has been argued, can act as a great corrective against the emergence of such tendencies.[13] Even those who decry judicial activism feel that there is no realistic alternative to it because the existing Parliament has not invested adequate effort on those issues or it has not risen to the enormity of the task involved. A President, it is said, cannot afford such short cuts and tentativeness.

These arguments, in different forms, have been repeated in recent years by many scholars. Those who are indisposed to the Parliamentary form of government may have further reasons for their stance based on a critique of the Parliament as an institutional complex. Some argue that the importance of the Parliament has been declining and the corrective measures to bolster its significance have not worked. There are others who feel that institutions associated with Parliamentary government have done good work, but over a period they have been irreparably damaged or were not able to cope with the demands made on them. Some equate the highpoint of the Parliament with the Nehruvian era,[14] the subsequent period registering a precipitous and inexorable decline.

Even the recent *Report of the National Commission to Review the Working of the Constitution* (*RNCRWC*) expresses a sense of unease with the way the Houses of Parliament are functioning. It feels that there is,

> ... a decline in recent years in both the quantity and quality of work done by them. Over the years, the number of days on which the houses sit to transact legislative and other business has come down very significantly. Even the relatively fewer days on which the houses meet are often marked by unseemly incidents, including use of force

to intimidate opponents, shouting and shutting out debate and discussion resulting in frequent adjournments. There is increasing concern about the decline of Parliament, falling standards of debate, erosion of the moral authority and prestige of the supreme tribune of the people.[15]

The editorial of one of the most respected academic journals of India, 'Decline or Death of Parliament?', said, 'Parliament has been on a downhill course from soon after the early 1950s; we are now at a nadir'[16] and chanted the now familiar litany of its commissions and omissions.

There is another position that was, till recently, largely the fancy of cult groups such as the Rashtriya Swayamsevak Sangh (RSS) and the Jamiat-e-Islami, but has been given respectability by public intellectuals, such as Arun Shourie, who hold in ridicule the Parliamentary system in India and extend support to distinct forms of elitism. According to Shourie, 'The key problem today is that the parliamentary system and the electoral system from which it springs are fragmenting the electorate on the one hand, and on the other, are not yielding persons who have the competence, integrity and dedication to govern a billion people...' He thinks that 'Our legislatures, thus, are the root of the problems we face in governance today' and calls for tilting 'the balance away from legislatures towards the Executive' and 'strengthen[ing] the powers and role of the Judiciary'.[17]

PRINCIPAL ARGUMENT OF THIS STUDY

This study is primarily concerned with the working of the Parliament in India but in the process it contests the argument that Parliament, as the principal institution of Parliamentary democracy in India, has been on the decline or it has to be superseded by an alternative set of institutions, Presidential or otherwise. This does not mean everything is fine with the working of the Parliament or the processes underway to make it the authentic expression of Indian democracy. Just the contrary is true. We suggest that the defects in the complex of Parliamentary institutions in India can be rectified without replacing them with an entirely new set of institutions.

Interrogating the 'decline thesis', therefore, is the principal subject matter of this study. Those who argue that the Parliament has been declining do not see the institution in the context of Indian democracy and offer a set of interrelated reasons with requisite evidence to corroborate their stance. This decline thesis is associated with a formal understanding of the role of the Parliament derived from a specific context and time—the Westminster model. The British Parliament itself has witnessed enormous changes over time. Further, it cannot be the model for societies which are markedly different from Britain, except for the procedural minimum. This study takes the Indian Parliament as *sui generis*, organically linked to Indian democracy, and seeks to explore the

extent to which they have been mutually shaping each other. There are those who argue the decline thesis on grounds of efficiency. But efficiency alone cannot be the sole or primary criterion for assessing the role of the Parliament. While efficiency is desirable and often can be complementary to other objectives, the worth of the Parliament cannot be measured by this yardstick alone. Admittedly, Parliament has undergone significant changes over the years but such changes need not be described in the language of decline; but in other terms that reflect the changing nature of representation, the changing nature of interests to be represented, the changing vision of the nation as a whole, and the transformation in the relations that it is embedded in.[18]

Parliament is not merely a law making body but also a body of representatives who are called upon to act in the name of the constituencies they represent. These representatives speak on behalf of discrete constituencies as well as of the nation as a whole, their understanding in this regard being shaped by several agencies and processes, including the political parties they belong to. The interests of the nation that the Parliament is called upon to uphold are the product of its own deliberation and debate, and are not spelt out in advance. A caveat is in place here. While a range of interests may find expression in Parliament, all of them need not necessarily be converted into laws, and interests may not remain constant throughout. Therefore there is tension between the legislative and representative roles of the House. Further, all interests that are represented in the House cannot be easily reconciled (or are even reconcilable), creating a great deal of conflict between the various interests that representatives advocate and the common good that they eventually come to endorse. Political parties and party systems tend to cushion these conflicts but beyond a certain threshold, these are deeply caught in the problematic of representation itself. It has been convincingly argued that large masses over the years, particularly from the 1970s onwards, have come to register their presence in Indian democracy, and that their representatives act in ways different from members of the earlier Parliaments with insular bases of support.[19]

The last few decades have seen a proliferation of differences within civil society, inconceivable earlier. While representatives are generally expected to function within the bounds of law, sometimes there is little space to express the kind of demands newly precipitated groups make on the regimen of law. Parliament, therefore, has increasingly become a battleground of ideas and concerns which sometimes overwhelm the bounds of law.[20] Civil society arrogates to itself the ethos and inputs that propels the dynamics of Parliament. It expects the representatives to remain constantly attuned to the changing nature of interests in civil society. But, at the same time, the impulses of democracy cannot be ignored. It is not always easy to reconcile the promptings of civil society and the demands of democracy.

In spite of ostensible shortcomings, the Indian Parliament has not merely coped with the demands made on it, but has facilitated the process of broadening and deepening of democracy. This could mean the inclusion of diverse interests, groups, and communities in the making of a polity by widening the representative base. It could also mean the participation of diverse interests in deliberation and discussion to form public policy, transcending partisan and sectarian interests.

There are other organs of government that have been on the ascendant in recent years, ostensibly at the expense of the Parliament. The Executive and the institutional complexes bound with it have reinforced themselves. The Judiciary too has widened the scope of its intervention into new areas. Given the shrinkage of the scope and the resources of the Parliament, representatives often have to take recourse to the resources of these institutions and can ill afford to be wholly absorbed in the affairs of the Parliament. Institutions, at least partially, take shape on the basis of the working of other interrelated institutions. The story of the Parliament is profoundly caught in the story of other institutions.

SPECIFIC CONCERNS

The changing nature of representation has been one of the important issues pursued in this study. There have been enormous shifts in the social background of the representatives with respect to caste, education, occupation, community, and ethnic ties over the years. A comparison between the Parliament and the Constituent Assembly helps to make this clear. Members of the Constituent Assembly were indirectly elected by a small portion of the adult population in India.[21] The introduction of universal adult franchise and the enormous demographic expansion have brought to bear on representatives pressures unthinkable in the early days of independence. Democracy in India has sustained and precipitated massive changes in the social relations that prevailed in the past. In fact, the disadvantaged, poor, lower castes, women, and Adivasis tend to look to democracy to attend to their concerns much more than the rich in India. Given the enormous growth in the number of political parties and the contention and competition among them, changes in the conception of representation have become inevitable.

One of the issues closely pursued in this study is the relationship between diversity and pluralism manifest in the Indian electorate. The surfacing of new identities and deference to diversity has led to the reformulation of many concerns that were central to Parliament in the early years of independence. We wish to suggest that Parliamentarians today tend to be much more concerned about the affairs of their constituency or of the regions they hail from, rather than national affairs as a whole. In many ways the language issue is closely

related to concerns of representation. Increasingly, the elected popular representatives in the Parliament feel much more comfortable in their local and regional languages and dialects rather than in English. This has inevitably had its impact on the debates and deliberations of the Lok Sabha. The contention on the language issue has undergone dramatic changes over the years.

A range of governmental institutions have mushroomed over the years and sometimes at the expense of the Parliament; other governing institutions such as the Judiciary have redefined their relations with the Parliament in significantly new ways. Besides, the Parliament as an institution has revamped itself over the years in many respects. These changes in the institutional complex of legislation, representation, and accountability are important in making an assessment of the Indian Parliament. Such institutional changes and the bearing they have had on the Parliament in general and the Lok Sabha in particular is one of the major concerns of this study.

This study dwells extensively on the procedures and functioning of the House and changes in these respects over time. It is broadly in agreement with the critics that Parliamentary procedures need to be streamlined, outmoded practices have to be discarded, debates need to be better informed, and every effort must be made to enhance the level and extent of deliberation in the House. While group pluralism can scarcely be avoided, and there are many good reasons to acknowledge and register its presence, larger and more inclusive concerns need to qualify considerations of the interests of the constituency by the concerned representatives. However, it believes that most of these changes can be undertaken without rejecting the system and seeking to replace it with an alternative complex of institutions.

LIMITATIONS OF THE STUDY

The Indian Parliament comprises two Houses: the Lok Sabha and the Rajya Sabha. This study primarily focuses on the Lok Sabha. The members of the Rajya Sabha do act as the representatives of the states and some of them belong to hallowed professions. Indirectly, their representative role includes all those concerns which members of the Lok Sabha are expected to voice and act upon. Besides, the Rajya Sabha too has witnessed profound changes over the years. However, the Lok Sabha is the popularly elected house and the mirror of democracy in India. The Executive owes responsibility and accountability primarily to the Lok Sabha. Most of the criticisms against the working of the Parliament are directed against the Lower House. While we have discussed the relation between the Houses in a whole chapter, detailed consideration on the functioning of the Houses is confined to the Lok Sabha in this study.

The President is integral to the constitutional understanding of the Parliament and has played a decisive role in shaping the institution that it is today.

Further, ordinarily, the President plays a major role in the continuation and functioning of the House. Often the opposition has sought the intervention of the President against the steamrolling of consent in the House by the ruling party/coalition. The President too is much beholden to the Parliament as it plays a major role in electing him or her to the office. The relation between the Houses and the President is little explored in this entire study as its focus remains on the viability of the institution and the role it plays in sustaining Indian democracy.

The Parliamentary system rests on an assumption that conflates the distinction between the Executive and the Legislature. While theoretically the Executive is dependent upon and accountable to the Lok Sabha, in India, the former wields enormous resources to elicit compliance from the latter. Developmental and welfare initiatives of the state and the challenge of winning elections, of self and supporters, often stops a member of the Lok Sabha, even in the opposition, from antagonizing the Executive. It is, however, important to note that governments with minority support in the Lok Sabha have rarely survived in India for long. Aspirants to office, therefore, seek to wield a majority in the House at the earliest. While the relation between the Executive and the Lok Sabha is dealt extensively throughout this study there has not been a reflective focus on the same.

Political parties are the nerves and sinews of the Parliament in general and of the Lok Sabha in particular. The Parliamentary wings of political parties not merely assign roles and direct the conduct of their members in the House, but also provide them a sense of belonging and form them into a unit that reproduces itself over time. They have played a major role in projecting a competent, combative, and appealing image of the party as they have in marring it. This study has dealt only on a few aspects of this relationship. It is important to note that much of the vitality, growing sobriety, and inclusive capacity of the Parliament have rested on the vibrancy of its party system.

DEBATE AND CONCERNS ON THE INDIAN PARLIAMENT

There are few writings in India which have focused on institutions and the bearing they have had on our public life. The focus has generally been on charismatic individuals and, to an extent, on the political process. Wherever institutions have been studied, there has been an overt emphasis on a formal–legal approach to them. It is important to note that contemporary approaches to institutions not merely dwell on formal structures and rules, but go further and determine whether assumed differences do exist, and if so in what ways and what difference it makes for the performance of the system.

There are three types of scholarly works that have had a bearing on this study. The first are the reflections on public institutions that emerged in the nationalist discourse. The national movement underscored certain institutions for organizing public life in India while being sensitive to contentions against such institutions. Scholars such as W.H. Morris-Jones and James Manor have argued that democracy took root in India on account of constitutional representative institutions that came to be introduced under colonial rule over the years. From the late 1850s a segment of Indians came to be associated with these reforms. Such a simplistic reading of the situation where certain stimuli beget positive consequences is too good to be true. The Congress was deeply ambivalent towards the expanding scope of representation without the corresponding shift in power. While important Congressmen wanted to be members of the emerging representative institutions, nationalist leadership was apprehensive that such representation could lend itself to entrench British authority in India.[22] The Congress shifted its stance increasingly in favour of *swaraj* rather than piecemeal broadening of representation. Under the leadership of Gandhi, Congress made the demand for *purna* swaraj in 1929.[23]

The second type of writings pertinent to this study are the *CAD* and the reflections on the Indian Constitution. There are two aspects of this debate that this study regards as significant. There are principles and concerns that infuse these debates and eventually the text of the Constitution. Those principles cannot be separated from the structure and role that the Parliament assumed for itself. There is a close relation between Fundamental Rights, Directive Principles of State Policy, nature of the Judiciary, and the arguments for rule of law on the one hand and the institution of Parliament on the other. The power of Parliament came to be qualified greatly through the insertion of Fundamental Rights and it was explicitly directed towards certain substantive ends through the Directive Principles of State Policy. The Judiciary was endowed with powers to stipulate the limits of Legislative authority. Although it was in such lawsuits such as the *Golaknath* case[24] and *Keshavananda Bharati* case[25] that the Judiciary came to formally pronounce on these issues, there was intense debate in the Constituent Assembly on the principles, scope, and limits of Parliamentary power.[26] The second aspect of critical reflection has been the nature of Parliament itself. Three issues can be immediately highlighted in this regard. The first is with regard to the composition of the Parliament: the nature of the electoral constituency, its extent, and the duration of the Parliament. The second issue was regarding the mapping of the constituencies. Gerrymandering was one of the important issues that had come up in the American debate on racial relations and in the beginning of 1951, questions related to this issue came to be squarely posed to Ambedkar, the then Minister of Law. Existing studies have not focused on this to any appreciable extent.[27]

The third important issue of concern has been special representation to certain marginalized groups. There is a long history to the policy of special representation in India, popularly known as reservation. The British for a considerable period let members of the Legislature be elected on the basis of separate electorate, or applied the principle of nomination to choose a representative from one of the demarcated constituencies. Initially, separate electorates were granted to Muslims and landed interests under the Minto–Morley reforms (1909). Nomination came to be extended to the Depressed Classes from the second decade of twentieth century. Several constituencies were granted separate representation after the Montagu–Chelmsford Reforms (1919), apart from Muslims, Indian Christians, Anglo-Indians, the Sikhs, the Marathas, the landlords in the provinces, etc. The Governor General was vested with the power to nominate members from communities who did not find representation through the existing modes. This process continued till the India Act, 1935 when it came to be modified in significant respects. The tribal regions, called the excluded areas, continued to be under the direct charge of colonial administration till independence. The issue of separate electorate and reservation was an important consideration in the Minority Sub-committee of the Fundamental Rights Committee of the Constituent Assembly (1946–50). Parsees declined a separate electorate to themselves and certain communities like the Christians, on certain other considerations, agreed to give up a separate electorate.[28] Muslims were shouted down on the plea that they had been given a separate Pakistan. Except for the Scheduled Castes (SCs) and Scheduled Tribes (STs), separate electorates came to be withdrawn from all other groups. Some pressure was exerted on Ambedkar, too, to renounce reservation for SCs on grounds of national unity which he squarely refused.[29] However, existing literature is scanty on the making of the complex regime of political reservation in India. There is, however, a massive array of documents and reports that throw light on the process that led to the formation of the Parliament and the kind of representative framework that it took overboard.[30]

The third type of literature focuses on the Parliament as a public institution, which can be divided with respect to their different foci. There are a few studies which provide a descriptive account of the composition, powers, and objectives of the Parliament. In the 1950s and 1960s, a large number of important Indian political scientists focused a great deal on the Indian Parliament, not so much on the institution as such, but on issues bearing on the Parliament.[31] Rajni Kothari advanced the argument that there was single party dominance in India, which he denoted as 'the Congress system'. Such a position did not deny the democratic character of the Indian polity as the Congress itself, according to Kothari, was made of a number of factions, some of which networked with factions outside the Party and ensured measures

that the majority of the Congress was not keen on. There were scholars and public men who questioned the representative credentials of the Indian Parliament as it came to be composed of members in whose elections caste was an important deciding factor. In this context Rajni Kothari advanced the argument that elections are informed by associations. Every electoral democracy rests on some social basis and given the fact that there were only a few civil society institutions in India, and often far too feeble, caste naturally remained one of the options that was employed whether one approved of it or not.[32] We cannot imagine politics without a social base. In the 1960s, following the popularity of studies on voting behaviour, many works both by foreign and Indian scholars pursued this argument further by inducting other categories such as class, religion, and land as variables affecting electoral behaviour.[33] On a different plane, one of the early works on the making of the Indian Parliament was that of W.H. Morris-Jones.[34] He demonstrated through a mass of data and meticulous detail, to a highly incredulous and condescending world of scholarship, that the fledgling Indian Parliamentary democracy was kicking and charting its own distinctive course.[35]

Studies highlighting political crisis started making their first appearances in the late 1960s and proliferated by the beginning of the 1970s. The movement led by Jayaprakash Narayan, popularly known as JP Movement (henceforth JPM), contributed to it in no less measure. He mounted a series of arguments regarding the status of democracy in India, the necessity of civic responsibility, responsive citizenship, and representation conducive to peoples' power.[36] A persuasive argument that Narayan advanced was the right to recall elected representatives when their representative role was unsatisfactory. Given the structure of the Parliament based on periodic elections and the acknowledged significance of political stability in India, this argument questioned the very basis of the Indian Parliament. Such a questioning of the mode of reproduction of Legislature was related to the kind of dominance the central government had come to wield under Indira Gandhi as Prime Minister. A series of studies addressed this issue and drew their implications for Parliamentary democracy in India.[37] The Janata Party that came to power following the Emergency laid stress on popular accountability and sovereignty. The political tendencies of the Janata Party directed themselves ideologically against the centralization of power and favoured citizen participation, avowal of Fundamental Rights, and civil responsibility. Such re-imagining of institutionalized power was highly conducive to the revival of the Parliament. This change that heralded a new lease of life to the Parliament is reflected in many studies.[38]

The decline thesis on the Parliament re-emerged in the 1980s, now being dovetailed to political stability. On the reverse gear, there were other attempts that related revival of Parliament to the larger concern of broad-basing democracy and decentralization of power. An important intervention in this debate

was that of Subhash C. Kashyap who attempted to show that the Parliament was a highly dysfunctional institution and had been on the decline.[39] There is no direct reference to the need for an elitist shift to representation in these writings but indirect suggestions are replete. Those people who talked about the decline often compared the debates in the Parliament to that of the 1950s, its work output narrowly evaluated in corporatist imagery.[40] They brought to the fore the issues taken up for debate and its quality and tried to make a case for the decline. They highlighted the chronic absenteeism of members from the proceedings of the House and the number of its sittings in a year. They focused on criminal records of some of the members and strove to prove that representatives truly did not act as they should.[41]

This debate focused little on the changing nature of representation in the Parliament which had occurred in several ways. Given the modes of domination and diversity in India, a charge of decline did not make sense without invoking the extent of participation and inclusion. Such participation and inclusion pertained not merely to social groups but language communities and cultural differences as well. As the cost of elections sky-rocketed, an elected representative attended to the distinct problems of his/her constituency because, among other things, he/she wanted to be re-elected rather than act as the representative of the nation or of an identity or of an ideology. It could probably be argued too that the state, in order to keep democratic pressures minimal, confined the representatives to their constituencies rather than help expand their political space. These interconnected issues were not brought to the centre stage by those who subscribed to the 'decline thesis'.

The National Commission to Review the Working of the Constitution set up by the National Democratic Alliance (NDA) Government (1999–2004) produced two major papers bearing on the theme of this study—*Review of the Working of the Political Parties specially in Relation to Elections and Reform Options* and *Review of Election Law, Processes and Reform Options*. Both these papers, together with the comments they received, led to the refocusing on the privileges and immunities of members, on the one hand, and an assessment of the composition and working of the House on the other. One of the imaginative distinctions suggested to denote the limitations of Parliamentary democracy is civil society and political society. Civil society is the arena of rights, of deliberation, and rule of law. But numerous people have no rights for the claims they make, claims without which they would not be able to survive, as found, for instance, in illegal settlements in many a city in India. But people deploy the avenues of democratic politics to hold on to such claims even though they seem precarious. Often representatives have to traverse these grey areas, and increasingly so, if they have to pursue their options in the electoral arena.[42]

METHODOLOGICAL CONSIDERATIONS AND SOURCING OF DATA

This study underscores the following features of the Lok Sabha: its changing social composition; changes in its conception of representation; the shift from English as its mode of expression to the assertion of regional languages and the change in the conception of the nation that it came to reflect by reaching out to pluralism and diversity. Further, it goes into the institutional layout of the House and the changes in this regard over time. Besides, it discusses a twofold relation, the Lok Sabha and Rajya Sabha on one hand and the Parliament and the Judiciary on the other. While the Lok Sabha as an institution has registered major changes, sometimes rapid and at times slow, three periods seem to be crucial in its life: the 1950s, the 1970s, and the 1990s. Across these three major phases the House has registered significant transitions. The challenges of universal adult franchise and the tasks of wielding the nation together were the great concerns of the 1950s. In the 1970s, not only was Congress dominance whittled down, even the centralized polity was challenged and recognition of differences found their concrete political expression at a nationwide level. In the 1990s we find the emergence of a wave of identity politics which eventually made coalition politics inevitable. This had profound consequences for the party system in India. The study registers the impact of these changes on the Indian Parliament. The 1950s saw a broad consensus on issues and devices of establishing such consensus that came to be institutionalized; in the 1970s several aspects of this consensus were challenged and the fissures in the polity were wide open, epitomized by the impassable divide and hostility between the ruling party and the opposition, the JPM, the Emergency, and the systematic assault on the Congress system. In the 1990s, the face of the Lok Sabha underwent a metamorphosis not merely in its social composition, ideas of representation, and conception of nationhood, but also in its institutional expressions and relations. It has been a fundamental assumption of this study that we would be able to establish a nuanced understanding of the Parliament through a study of these three phases. The question of decline, progress or re-articulation can make sense only by posing issues in context, and probing concretely into the challenges and opportunities that the institution had to confront. Wherever necessary we have tried to build the forward and backward linkages to these three phases.

To pursue the task outlined earlier, the composition and working of the first and second Lok Sabhas in the 1950s, fifth and sixth Lok Sabhas in the 1970s, and 10th, 11th, 12th, 13th, and 14th Lok Sabhas in the 1990s and in the first decade of the third millennium have been studied. This has been done with respect to the four features, in-house reproduction, and the twofold relations mentioned earlier.

The data for this study has been gathered from several sources. The volumes *Who's Who of the Indian Parliament* brought out by the Lok Sabha Secretariat that provided the biographical data of the members of the Lok Sabha have been highly useful in this regard. Data for the first, second, fifth, sixth, seventh, 10th, 11th, 12th, 13th, and 14th Lok Sabhas has been culled out from these documents and meticulously processed. Many of the tables are informed by this data, particularly related to educational attainments, age, background, occupation, membership of associations, religious and linguistic affiliation, experience in previous legislatures, party membership, and gender-related considerations. Information regarding the caste background of the members of the Lok Sabhas mentioned has been obtained from the Centre for the Study of Developing Societies, Delhi.

The Parliamentary and Lok Sabha debates are officially recorded and for the specific Lok Sabhas all the volumes of these debates, particularly on issues central to the concerns of the Lok Sabha at the particular juncture, have been closely processed. Methodologically, we have also been aware that often what is central, and what is not, is also partly shaped by the nature and quality of the debate in the Lok Sabha. While we have not covered the Rajya Sabha debates as comprehensively as those of the Lok Sabha, we have made selective forays in the former while evaluating its case and its relation with the Lok Sabha. Further, we have discussed the three Joint Sittings of the Parliament, 'On the Dowry Prohibition Bill, 1959', 'Banking Service Commission (Repeal) Bill, 1978', and 'Prevention of Terrorism Bill, 2002', threadbare. To study the relation between the Parliament and Judiciary, we have taken recourse to the study of a select number of cases which reflect this relation across the three periods, that is, 1950s, 1970s, and 1990s.

The different publications brought out by the Lok Sabha and the Rajya Sabha Secretariats have been a mine of useful information. In quite a few of these volumes there have been scholarly articles profiling the different facets of the Houses. To explore the in-house reproduction of the Lok Sabha, we have taken recourse to the reports of a select number of Parliamentary Committees. A great deal of information has also been gathered from pamphlets and handouts circulated among members of the House.

It was important for us to check the public perception of the Lok Sabha against what our own data drawn from diverse sources has led us to believe. We, therefore, administered a questionnaire to about 150 public intellectuals drawn from diverse fields of public life: judges, lawyers, journalists, writers and artists, academics and intellectuals, both men and women, to comment on a series of questions. Of the total, 121 sent their written reply, some of them with elaborate comments. They included three judges, two retired and one serving (Supreme Court and High Court), 22 civil servants belonging to the

All India Administrative Services which included an Election Commissioner, a Member of the Minority Commission and three retired Chief Secretaries; 20 journalists; 29 academics; seven lawyers; two trade unionists; one film artiste; eight non-governmental organization activists; 10 senior politicians including ex-ministers; eight industrialists–entrepreneurs, and nine writers–artists. All our respondents have carved out a distinct place for themselves in public affairs and are recognized in the public domain. Some of these queries were close-ended and others open, and covered issues closely bearing on the quality and responsibility of the Lok Sabha and its members and what has been the change in these respects over time. Many of the queries sought the ranking of the set of characteristics generally believed to be the case in question. Their responses have been given in a tabular form and their opinions duly acknowledged in different parts of this study. Further, nearly a dozen senior politicians and public figures, who were intimately acquainted with and connected to the life of the Lok Sabha have been interviewed separately. Their comments have been incorporated in the relevant sections of this study.

There are certain periods when the Parliament has attempted to critically review itself. Going over such reviews has helped us in highlighting the central concerns of the Members of Parliament (MPs) during these crucial periods. There are the Parliamentary debates over the years. A content analysis of these debates during the relevant periods can tell us a great deal about the issues of concern of the representatives, the relation of the Executive to the Parliament and the quality and standard of the debate and discussion. If a large number of Bills are proposed by the Executive and there is little questioning of the same by the Parliament, then one can actually concede that the Executive has established its edge over the Legislature. This is one of the indications that MPs are more intensively concerned with other issues than on their duties as lawmakers. If a member has little say in deciding the net outcome of the decisions of Parliament and those decisions themselves have little role to play in running the affairs of the government, then a member of the Parliament may have to look to other sources to meet the demands made on him. At the same time, there might be other structures that have evolved which make the business of the House a little light while involving members much more intensely, say, in committees. Alternatively there might be rules and injunctions which might have been enacted by Parliament but whose consequences have not brought out the best from the members. Our assessment, therefore, has been sensitive towards the countervailing factors as much as it has been in probing issues directly pertaining to the working of the institution.

While there is clearly a dearth of studies bearing on the Parliament in general and the Lok Sabha in particular, there is a great deal of secondary

literature scattered across books and journals. There is also a global literature today bearing on the nature and working of the Indian Parliament. One of the great challenges before this study has been to keep abreast with this large but growing body of literature without being inundated or intimated by it.

OUTLINE OF THE STUDY

In Chapter 1 we explore the crafting of the Indian Parliament as an idea and as an institution over time. It sketches the relationship between the national movement and the emerging consensus on the Parliamentary form of government. It dilates on the central arguments in the Constituent Assembly that favoured the Parliamentary form of government against the Presidential, the Gandhian, and the indigenous. It highlights the significant achievements of the Parliament especially during certain nodal periods such as in the early years of independence, during the critical years of the 1970s, and in the 1990s when the emergence of coalition governments gave rise to the apprehensions of political instability. It also introduces the institutional complexes through which the Parliament has tended to function over the years, including the constitutional and legal mechanisms to rectify its internal functioning such as the anti-defection law. It highlights, to an extent, the nexus between the electoral processes in India and the Parliament on the one hand, and political parties and the Parliament on the other.

Chapter 2 brings out the transformation of the social composition of Parliament over the years with focus on the 1950s, 1970s, and 1990s. The Congress, which was the party of governance in the first three decades after independence, followed a policy of inclusion of diverse groups and communities while selecting the representatives to the Parliament, although its active social base was made of the social, economic, and intellectual elite. By the second half of the 1960s, significant groups were disengaging themselves from such a bloc. Landlords, sections of businessmen, and orthodoxy came together in the Bharatiya Jan Sangh (BJS) and the Swatantra Party and later, the middle peasantry and middle castes separated themselves from the Congress to form numerous parties such as Bharatiya Kranti Dal (BKD), Bharatiya Lok Dal (BLD), and socialist parties of diverse hues. In the process, there was a greater devolution of power to the countryside. In the late 1980s and 1990s the composition of the Parliament underwent significant changes. Social forces which were hitherto confined to states increasingly asserted their presence in the Parliament.

In Chapter 3, on the changing conception of representation, we trace the shift that has taken place in the Parliament from 1950 to the present with regard to the idea of representation. In the early 1950s elected representatives

in the Parliament were deeply engaged with concerns of the nation rather than the interests of their constituencies. This has been demonstrated by the manner in which Parliament handled such divisive issues such as caste, community, public amenities, river water disputes, reservations to various deprived groups, and assertion of regional identities, etc. Many of these issues continue to hog public attention even today. But in the early years of independence they were differently handled. There were repeated exhortations on the floor of the House that members of the august body should give up their narrow, insular outlook and think of themselves as national leaders. Such an understanding of their role was reflected in the questions that came to be raised on the floor of the House. By the 1970s there was a sea change: members were increasingly talking the language of caste, communities, and region. Apart from talking about them they also thought that they were the most important issues to be spoken of rather than other concerns of the nation. Through such a shift they were also highlighting issues which a predominantly homogenized conception of nationhood had swept under the carpet and their consequences for institutional behaviour which were far too thinly perceived in the heady 1950s. A sense of crisis and despondency is visible in the 1970s with respect to the failure of institutions reflected eloquently in the JPM. At the same time, national concerns could not be wished away even when the Parliament fought shy of taking them head on. This left room for the Executive to become overbearing, even over the Parliament. Representatives increasingly passed on what were their concerns in the 1950s to the bureaucracy or the Executive. At the same time, the 1970s witnessed a great expansion of the base of Indian democracy. People started pouring into its portals. There were enabling policies such as the 20-point programme, assault on privileges such as privy purses, shift in political alliances, etc. In the 1950s, a member of the Parliament was a powerful and influential local man, who thought that he virtually represented his entire constituency in his person even without the electoral mandate. Few people questioned his status as a representative of his people. By the time we reach the 1970s there is a great expansion of the base of representation particularly of the Backward Castes.

The 1990s was the period of fragmentation of parties and their social bases of support and the assertion of identity politics. Designing an overarching framework to contain such fragmentation became one of the central concerns of the Parliament. Some thought that such an overarching vision could be provided around Hindutva, which itself was construed as an identity avowed by the vast majority of Indians. Others thought that such an overarching framework needed to be construed around the idea of secularism. Such a division of the polity, in a frontal sense, had its inevitable impact on the Parliament. There was the revival of the debate on the desirability of the Presidential system for

India; coalition became inevitable to secure a majority in the Parliament as no party was able to form the government on its own; regional and identity-based parties took on added significance and the understanding of representation went through significant changes. Besides, there were suggestions to alter the constitutional framework in certain respects although nothing much came of it eventually.

Chapter 4 discusses the shift in language that occurred over the years as the mode of expression in the House. The overwhelming mode of communication in the Constituent Assembly and in the early years in Parliament was English. But it was also the hegemonic language of colonialism and necessarily seen as something *passé* by a large number of members of the House. While there was some consensus on Hindi as the national language, it was a much bruised language as it battled its way through a majoritarian route. In the process it also became exclusive, elitist, and narrow. Other regional languages also felt threatened with the way the case was made to make Hindi the national language of India. Over the years, given the changing social composition of the Parliament, we find that many Parliamentarians were not able to communicate effectively either in English or Hindi. We find that regional languages became assertive in the 1970s, although there was an attempt by Hindi to recover its significance through inclusive and populist endorsements. In the 1990s the whole issue of national language took a backseat. The assertion of multiple identities and the context of liberalization brought Hindi and English side by side with regional languages on to the public domain in a sort of relationship unthinkable in the 1950s.

Chapter 5 brings out the shift from national identity to plural identities that came to be reflected in the Parliament. While its social composition changed over the years, such a change need not necessarily beget assertion of distinct identities. In the 1980s and 1990s we find, however, many members of the Parliament increasingly ascribing to themselves religious, ethnic, cultural, and gender-related identities as their primary public concerns. In contrast, there were fervent pleas in the Constituent Assembly in defence of national identity. In the 1970s we were in a twilight zone. While the Janata Party harboured within itself several identities and interests, the central ideological formulations of the JPM did not bring identities necessarily to the fore. In the 1990s pluralisms of every variety began to make their presence felt on the political scene of India and MPs were partly beholden to this upsurge and could not ignore the assertive presence of identities in the political space. The Lok Sabha was to witness a sea change during this decade.

Chapter 6 discusses the relationship between the Parliament and the Judiciary over the years with the 1950s, 1970s, and 1990s as the benchmark. From a broadly acknowledged position of the primacy of the Parliament in the first two decades after independence, the scale tilted to the Judiciary with

the *Keshavananda Bharati* case. The Parliament attempted to curb the space that the Judiciary was marking for itself during the Emergency. But with the coming of the Janata Party to power in 1977, the Judiciary came increasingly to don the mantle of being the guardian of the Constitution and the rule of law in the country. While the relationship between the Parliament and the Judiciary has remained tenuous in post-independence India, there were numerous instances when the latter rallied in defence of the Parliament and provided it a breathing space in contentious situations. This chapter highlights some of the major issues of conflict between the Parliament and Judiciary such as spheres of authority, secularism and religious belonging, minority rights, religion and worship, democracy and rights, considerations of equality and reservation policy, representation, elections and emergency powers, and the concept of the 'creamy layer'. This chapter also dwells at length on the issue of judicial activism and its bearing on the Parliamentary domain.

The relationship between the Lok Sabha and Rajya Sabha is little explored in existing studies. In Chapter 7, we discuss the rationale formulated for the Rajya Sabha in India and the contestation that it has bred over time. It traces the development of the Rajya Sabha and its attempt to carve out a specific domain for itself. Hitherto, the Indian Parliament has gone through three Joint Sittings the proceedings of which are discussed to assess the impact of the Houses on the quality and nature of the debate. In the wake of the debate on the issue of domicile for membership to the Rajya Sabha and the judicial pronouncements in this regard, the chapter argues the case of the Rajya Sabha on a different foundation to reflect the deep diversity of India.

The in-house reproduction of the Lok Sabha is taken up in Chapter 8. It discusses the institutions of the Speaker, Opposition, and Parliamentary Committees and the changes in this regard during the three phases highlighted in this study. This chapter suggests that the opposition has been enormously strengthened in the 1990s. The Lok Sabha as an institution has also succeeded in domesticating the rebel and the recalcitrant by binding them into the regulatory structures of its functioning. The institution of the Speaker in India, the study finds, needs to rediscover itself and come out of the trappings of the ruling dispensation. In recent years there is some promise in this direction. One of the ways by which the Parliament has built its embankments in recent years has been through the departmentally related Committees. While the Lok Sabha may not sit today for as many hours as in certain earlier phases, the Committees have shown the promise of pursing much work which the House as a whole undertook in earlier years. While this chapter does not advance specific recommendations for boosting the institutional health of the Parliament, it does indicate that the House is much wanting in this regard and there is enormous scope for improvement.

NOTES

1. See James G. March and Johan P. Olsen, 'The New Institutionalism: Organizational Factors in Political Life', *American Political Science Review*, vol. 78, 1984, pp. 734–49; Mary Douglass, *How Institutions Think?* (Syracuse, NY: Syracuse University Press, 1986); Junko Kato, 'Institutions and Rationality in Politics', *British Journal of Political Science,* vol. 26, no. 4, October 1990, pp. 583–92; Douglas North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990); M. Ellen Immergut, 'The Theoretical Core of New Institutionalism', *Politics and Society,* vol. 26, no. 1, March 1998, pp. 5–34; Guy B. Peters, *Institutional Theory in Political Science: The 'New Institutionalism'* (London: Continuum, 1999).

2. Devesh Kapur and Pratap Bhanu Mehta (eds), *Public Institutions in India: Performance and Design* (New Delhi: Oxford University Press, 2005), p. 2.

3. For civil society, see Neera Chandhoke, *State and Civil Society: Explorations in Political Theory* (New Delhi: Sage, 1995); John Keane, *Democracy and Civil Society: On the Predicaments of European Socialism, the Prospects for Democracy and the Problems of Controlling Social and Political Power* (London: Verso, 1998); and Neera Chandhoke, *Conceits of Civil Society* (New Delhi: Oxford University Press, 2003).

4. Subrata Mitra, *The Puzzle of India's Governance: Culture, Context and Comparative Theory* (London: Routledge, 2006), p. 182.

5. See Anirudh Krishna, *Active Social Capital: Tracing the Roots of Development and Democracy* (New York: Columbia University Press, 2002).

6. Isomorphism refers to relatively similar forms of institutions emerging in very different social and political settings, an idea which in some ways goes back to Max Weber and the triumph of legal–rational authority. For its recent reformulation, see P. DiMaggio and W. Powell, 'The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organisational Fields', *American Sociological Review*, vol. 48, 1983, pp. 147–60.

7. For the debate on this issue see Charles Taylor, 'Two Theories of Modernity', *Public Culture*, vol. II, no. I, 1999, pp. 153–74; and Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Oxford University Press, 1988).

8. For Ambedkar's arguments in this regard, see *Constituent Assembly Debates* (*CAD*), Vol. VII (New Delhi: Lok Sabha Secretariat, 2003), p. 32. Also see Vasant Moon (ed.), *Dr Babasaheb Ambedkar: Writings and Speeches* (*BAWS*), *Vol. 14*, Part 1 (Bombay: Government of Maharashtra, 1998), pp. 7–8.

9. See Subhash Kashyap, *Our Parliament* (New Delhi: National Book Trust 1989), p. 20; also see, *CAD*, Vol. VII, pp. 32–3.

10. See Rajeev Dhavan and Fali S. Nariman, 'The Supreme Court and Group Life: Religious Freedom, Minority Groups and Disadvantaged Communities', in B.N. Kirpal, Ashok H. Desai, Gopal Subramanium, Rajeev Dhavan, Raju Ramchandran (eds), *Supreme But Not Infallible: Essays in Honour of Supreme Court of India* (New Delhi: Oxford University Press, 2000), pp. 256–87.

11. See *Report of the National Commission to Review the Working of the Constitution* (*RNCRWC*), vol. I (Delhi: Universal Law Publishing Co. Pvt. Ltd, 2003).

12. For some of the early arguments for a Presidential form of government see, R. Venkataraman, *Parliamentary Versus Presidential System of Government* (New Delhi, India International Centre, 1966); A.R. Antulay, *Democracy: Parliamentary or Presidential* (Bombay: Government of Maharashtra, Directorate General of Information and Public Relations, 1981); and A.G. Noorani, *The Presidential System: The Indian Debate* (New Delhi: Sage, 1989).

13. Judicial activism has increasingly encroached into spaces that are traditionally regarded as the province of the Legislature. For details, see Chapter 6 of this volume.

14. According to Inder Malhotra, 'on few points is there such unanimity as on the sad decline of the Parliament. No one should try to evade stark reality... no matter how one looks at it, the life story of the Indian Parliament begins with and to an extent revolves around Jawaharlal Nehru...With the possible exception of Winston Churchill during the Second World War, no leader used the Parliamentary forum to communicate his message to his people as Nehru did.' Quoted in M. Manisha, 'Parliamentary Democracy in India: Class Character of the Lok Sabha', in Aneek Chatterjee (ed.), *Indian Parliamentary Democracy in Transition* (Kolkata: Presidency College, 2005), p. 174.

15. *RNCRWC*, 2003, p. 105.

16. *Economic and Political Weekly*, vol. XLIV, no. 2, 10–16 January 2009, p. 6.

17. He attacks the 'wrong *notions*' underlying the Parliamentary system such as 'The cult of the "common man"' and the entitlement of the legislator as a 'representative of the people"'. He traces a bigoted and ill-informed 'linear ascent' from such statements: 'The people are sovereign', 'Therefore, the *Parliament* is sovereign', 'Therefore, parliamentarians are sovereign' to 'Therefore, *the one who controls the majority* of parliamentarians are sovereign'. He apprehends 'that the greatest present threat to governance, and the most imminent threat to our liberties is this string of notions'. Arun Shourie, *The Parliamentary System: What we have Made of it, What we can Make of it* (New Delhi: Rupa & Co, 2007), pp. 11–12.

18. In this regard the observation that Balveer Arora makes is instructive: 'It is becoming increasingly clear that Parliament faces an acute deficit of perception management, with its public image at a very low ebb...the prestige and esteem that it commands is an important element in stirring up debates such as those which highlight the financial cost of Parliament. Duly supported by facts and figures on duration of sittings, hours lost in stalled proceedings and adjournments due to disorderly conduct, they seek to demonstrate through a cost-benefit analysis that the country is not getting value for money in supporting Parliament. Such an argument is not just simplistic but also dangerous in the extreme. It grossly underestimates the extent of the democratic upheaval that has been set in motion over the years, in which Parliament has to remain a focal point if democracy itself is to survive.' Balveer Arora, 'The Indian Parliament and Democracy', in Ajay K. Mehra and Gert W. Kueck (eds), *The Indian Parliament: A Comparative Perspective* (New Delhi: Konark, 2003), p. 36.

19. See Partha Chatterjee, 'Introduction', *Wages of Freedom* (New Delhi: Oxford University Press, 1998); Javeed Alam, *Who Wants Democracy?* (New Delhi: Orient Longman, 2004); D.L. Sheth, 'The Crisis of Political Authority', in Rajendra Vora and Suhas Palshikar (eds), *Indian Democracy: Meanings and Practices* (New Delhi: Sage, 2004), pp. 55–7.

20. The distinction between civil society and political society that Partha Chatterjee makes is helpful in this regard although it can be argued that the role of the Parliament has been to bridge this divide. Chatterjee, *Wages of Freedom*, pp. 1–20.

21. For details, see Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (New Delhi: Oxford University Press, 1966), pp. 1–24; and *CAD*, Vol. I, pp. 8–14.

22. Many studies bring out these ambivalences and dilemmas. See, W.H. Morris-Jones, *Parliament in India* (London: Longmans, Green and Co., 1957); Bipan Chandra, *The Rise and Growth of Economic Nationalism in India: Economic Policies of Indian National Leadership* (Bombay: Popular, 1966); and Sumit Sarkar, *Modern India* (Madras: Macmillan, 1985). Arjun Appadorai in *Documents on Political Thought in Modern India*, 2 vols (New

Delhi: Oxford University Press, 1973 and 1976) brings together the diverse nationalist strands on this issue.

23. There are many works on these developments which have helped us chalk out the genealogy of the Parliament, such as Pattabhi Sitaramayya's *History of the Indian National Congress*, 2 vols (Bombay: Padma Publications, 1946, Reprint) and M.V. Pylee, *Constitutional Government in India* (Bombay: Asia, 1977). There are also official versions on several aspects of this phase of development brought out by the Government of India (GoI). Some of the most important among them are: *Report on Indian Constitutional Reforms* (Montagu–Chelmsford) 1918; *East India Constitutional Reforms: Report of the Franchise Committee* (Southborough) 1919; *Report of the Reforms Enquiry Committee* (Muddiman) 1925; *Report of the Indian Statutory Commission* (Simon) 1930; *Proceedings of the Round Table Conference*, 3 sessions, 1931–2; *Report of the Indian Franchise Committee* (Lothian) 1932; *Report of the Joint Committee on Indian Constitutional Reform*, 1934; Returns showing the *Results of Elections to the Central Legislative Assembly and the Provincial Legislatures: 1945–46*, Delhi, 1948.

24. See *Golak Nath and Others* v. *State of Punjab* and Another 1967 (2) SCR 763ff.

25. His Holiness *Kesavananda Bharati Sripadagalvaru* v. *State of Kerala* and Another 1973 (4) SCC 225ff.

26. Several studies consider this issue in detail: Granville Austin's *The Indian Constitution: The Cornerstone of a Nation* (New Delhi: Oxford University Press, 1966) and *Working a Democratic Constitution: The Indian Experience* (New Delhi: Oxford University Press, 1999); and Shiva Rao's *The Framing of India's Constitution*, 5 vols (New Delhi: Indian Institute of Public Administration, 1965–6), are some of the examples in this regard. Also see, *CAD*, Vols I–XII.

27. One of the important studies that has something useful to say in this regard is Mehra and Kueck (eds), *The Indian Parliament*.

28. For details on the Christian position in the Constituent Assembly, see V. Lawrence Sundaram, *S.J. A Great Indian Jesuit Fr. Jerome D'Souza, Priest, Educationist and Statesman* (Anand: Gujarat Sahitya Parishad, 1986).

29. Protective discrimination and its bearing on the Parliament has been discussed in André Béteille, *Social Inequalities: Selected Readings* (Harmondsworth: Penguin, 1969) and *The Backward Classes and the New Social Order* (New Delhi: Oxford University Press, 1983); Marc Galanter, *Competing Equalities: Law and Backward Classes in India* (New Delhi: Oxford University Press, 1984); and Gail Omvedt, *Dalit Visions: The Anti-Caste Movement and the Construction of an Indian Identity* (New Delhi: Orient Longman, 1996).

30. Some of the most important documents this study has consulted in this regard are *CAD*; *Report of the States Reorganization Commission* (New Delhi: GoI, Manager of Publications, 1955); *Shah Commission of Enquiry, Interim Report I*, March 1978; *Interim Report II*, April 1978; *Third and Final Report* (New Delhi: GoI, Controller of Publications, August 1978); *Report of the Backward Classes Commission* (Mandal Commission) (New Delhi: GoI, 1980); Report of the *Commission on Centre–State Relations* (Sarkaria Commission), 2 vols (Nasik: GoI Press, 1988); *Parliamentary Debates* (of the Lok Sabha prior to 1952), *Lok Sabha Debates* (after 1952); *The Constitution of India* (as modified up to March 2005); *The Supreme Court Reports* (New Delhi, Supreme Court of India, Manager of Publications); *The All India Reporter* (Bombay: All India Reporter Limited); *Who's Who of the Indian Parliament* (New Delhi: Lok Sabha Secretariat, 1952—2004).

31. See Rajni Kothari, 'The Congress System in India', *Asian Survey*, vol. 4, no. 12, December 1964, pp. 1161–73; 'The Congress System on Trial', *Asian Survey*, vol. 7, no. 2,

February 1967, pp. 83–96; and 'The Congress System Revisited: A Decennial Review', *Asian Survey*, vol. 14, no. 12, December 1974, pp. 1035–54.

32. Rajni Kothari (ed.), *Caste in Indian Politics* (New Delhi: Orient Longman, 1986).

33. Among the Indian scholars, one of the pioneering works in this vein was that of Iqbal Narain in *State Politics in India* (Meerut: Meenakshi Prakashan, 1967) which compared the social composition of state legislatures with that of the Parliament.

34. Morris-Jones, *Parliament in India.*

35. The reviews of the work vouch for such incredulity. See, for instance, Bernard Fonseca, *International Affairs*, vol. 33, no. 4, October 1957, pp. 518–19; Amry Vanderbosch, *Annals of the American Academy of Political and Social Science*, vol. 314, November 1957, p. 175; Norman D. Palmer, *The Journal of Asian Studies*, vol. 17, no. 2, February 1958, pp. 330–3; Dorothy M. Spencer, *The American Political Science Review*, vol. 52, no. 1, March 1958, pp. 218–20; and Richard L. Park, *Pacific Affairs*, vol. 31, no. 2, June 1958, pp. 196–8.

36. See Jayaprakash Narayan, *Toward Total Revolution: Politics in India* (Bombay: Popular Prakashan, 1978); A.B. Shah (ed.), *Prison Diary* (Seattle: University of Wisconsin, 1978); Ajit Bhattacharya, *Transforming the Polity: Centenary Readings From Jayaprakash Narayan* (New Delhi: Rupa & Co., 2002). Bimal Prasad has brought out a collection of Jayaprakash Narayan's writings, *Jayaprakash Narayan, Essential Writings 1929–1979, A Centenary Volume 1902–2002* (New Delhi: Konark, 2002) which reflect the mood of the times. His own commentaries such as *Jayaprakash Narayan: Quest and Legacy* (New Delhi: Vikas, 2003), are highly useful in mapping the ideological orientation of Jayaprakash Narayan and the thought experiment that he promoted.

37. See Rajni Kothari, *State Against Democracy* (New Delhi: Ajanta, 1988); Lloyd I. Rudolph and Susanne Hoeber Rudolph, *In Pursuit of Lakshmi* (Chicago: University of Chicago Press, 1987).

38. See Dhirendra Sharma, *The Janata People's Struggle* (New Delhi: A Philosophy and Social Action Publication, 1977) and *The Moraji Papers* (New Delhi: Vision Books, 1983); Kuldip Nayyar, *The Judgement* (New Delhi: Vikas, 1977); and Madhu Limaye, *Cabinet Government in India* (New Delhi: Radiant, 1989) and *Janata Party Experiment*, 2 vols (New Delhi: B.R. Publication, 1994).

39. Subhash C. Kashyap, *The Ten Lok Sabhas* (New Delhi: Shipra, 1992); *History of Parliament of India*, 6 vols (New Delhi: Shipra, 1994–2000); and *Our Constitution: An Introduction to India's Constitution and Constitutional Law*, 3rd edition (New Delhi: Shipra, 2001).

40. *The Times of India*, India's leading English daily, has been extremely critical, particularly in recent years, of the work output of the Parliament. For instance, see, 'Enough is Enough', *The Times of India*, 20 February 2009, p. 19.

41. The debate on grass-root democracy and Panchayati Raj came up in the 1970s and, in the post-Emergency period, took a life of its own, highlighted by the Lokayan project and the Ashok Mehta Committee Report. There was an implicit assumption in this debate that Parliament needed to be shored up by modes of representation and participation at the micro level. See Rajni Kothari, *State against Democracy*, and D.L. Sheth, 'Nation-building in Multi-ethnic Societies: The Experience of South Asia', *Alternatives*, vol. 14, no. 4, 1989, pp. 379–88.

42. The structural constraints for the working of Parliamentary democracy are highlighted in several works: Sudipta Kaviraj (ed.), *Politics in India* (New Delhi: Oxford University Press, 1997); Partha Chatterjee (ed.), *State and Politics in India* (New Delhi:

Oxford University Press, 1998); and Zoya Hasan (ed.), *Parties and Party Politics in India* (New Delhi: Oxford University Press, 2003). India's creative responses in the design of public institutions have been demonstrated by Nirmal Mukerji and Balveer Arora (eds), *Federalism in India: Origins and Development* (New Delhi: Vikas, 1992) and Balveer Arora and Douglas V. Verney (eds), *Multiple Identities in a Single State: Indian Federalism in Comparative Perspective* (New Delhi: Konark, 1995).

1 Making of the Indian Parliament

THE CHOICE OF a Parliamentary form of government around which Indian democracy came to thrive is the outcome of a complex process of intellectual churning. Parliamentary institutions were not an evolutionary complex in India and the reasons that leaders advanced for their choice of such institutions was not an attachment to colonial legacies either. What prompted India to opt for Parliamentary democracy in spite of it being closely tied up with the colonial regime? And once this choice was made, how was it translated into an institutional complex? Elections are the principal mechanisms of sustaining and regenerating these institutions. How did the mode of election in a deeply diverse and inegalitarian polity affect the institution of Parliamentary government over time? One cannot think of a Parliamentary system without a competitive party system; how have they impacted each other? These are some issues that are closely pursued in this chapter.

The Parliamentary system has gone through significant crises in India. Two of them are notable: during the interlude of the Jayaprakash Narayan-led Movement (henceforth JPM) and the Emergency that followed it, an attempt was made to radically redefine the Parliamentary system, and then in the 1990s when the possibilities of constituting a single party government faded. In such instances the system came to be bemoaned by some and its possible alternatives came to be speculated by others. Apart from these critical junctures, the working of the Parliament and its relation to other public institutions, including political parties, has been a subject of much public scrutiny—legitimate and reasonable criticisms, imbued with strong concerns for the working of democracy in India have been mixed with derision for Parliament and its principles.

APPROPRIATENESS OF PARLIAMENTARY INSTITUTIONS

Literature of nineteenth century Britain and India on public institutions was often ambiguous with regard to the appropriateness of representative institutions to India. On the British side, the initial assumption was that the Parliamentary mode of government was not suitable for India. Morris-Jones highlights the sceptical attitude in this regard as follows:

> Even the radical, whose whole faith lay in the institutions of representative government, could not see how it was possible to introduce them into India. James and John Stuart Mill hardly permitted the rash luxury of even a tentative hope; only Macaulay went as far as that. Even Macaulay and other few radicals who turned their attention to India felt that the only way was a 'strategy of indirect approach'; the stumbling block was ignorance and superstition, remove these by Western education (plus the gospel added the evangelicals) and then even India could march with the rest of the world.[1]

Till the Montagu–Chelmsford reform and the enthusiasm of Edwin Montagu towards British legislative institutions, it could not be gainsaid that they would be the future around which common good would be proposed in India.[2] Such ill-disposition couched in the language of modern universal rationality or context-sensitivity was grounded on a set of specific reasons: first, Parliamentary institutions are suitable only to societies of a particular kind and, second, Parliamentary institutions are embedded in the specific ethos of the cultural traditions of Britain. With regard to the first, Lord Balfour argued that the British form of government was only suitable

> when you are dealing with a population in the main homogenous, in the main equal in every substantial and essential sense, in a community where the minority are prepared to accept the decisions of the majority, where they are all alike in the traditions in which they are brought up, in their general outlook upon the world and in their broad view of national aspirations.[3]

This stance thought that India was ill-suited to Parliamentary institutions: there existed a deep gulf between the masses and an elite clamouring for such institutions. Some people in Britain asked whether it was fair to abandon the 'simple peasant to the wiles of the city lawyers'[4] and others pointed to the caste divide. Other issues highlighted were the existence of religious communities, and within these castes, which questioned the advisability of setting up a representative system. They opined that it would only mean setting up a permanent domination of one section of the population over others. Fortunes of birth and status would then decide what is important in public life.[5] Those who insisted on context sensitivity suggested that institutions could not be exported as you export a locomotive. They felt that British Parliamentary institutions are integral to the British way of life.

Given this ambivalence, the *Montagu–Chelmsford Report* (1918) can be construed as a defining moment. The authors were determined to overcome

the obstacles towards the establishment of representative political institutions in India, within the possible limits, and they thought that their endeavour would be expansive in character. While the impact of this intervention in shaping the future representative institutions may not have been very significant, it demonstrated the increasing convergence of the perspectives of the fledgling nationalist public and colonial dispensation on this issue.[6] The Simon Commission (1927–9) was sympathetic to this endeavour, although its report was too pessimistic regarding the outcomes, sometimes bordering on disdain like the conservatives. In the opinion of the Commission it was

> a difficult and delicate operation to transplant to India forms of government which are native to British soil … the British Parliamentary system has developed in accordance with the day to day needs of the people, and has been fitted like a well worn garment to the figure of the bearer, but it does not follow that it will suit every body.[7]

It further pointed out that the only reason why that system—whose main feature is 'that the government is liable to be brought to an end at any moment by the vote of the legislature'—works reasonably well in Britain is that it is bound to an organized and stable party system, 'which ensures the cohesion of elected members and their close contact with the electorate'.[8] In a way these apprehensions of the Simon Commission anticipated some of the future opposition that came up against Parliamentary institutions in India.

The early discourse in nationalist circles was not far removed from this debate in the colonial circles. While some were strongly in favour of Parliamentary institutions, others equally thought they were not suitable for India. C. Sankaran Nair in his presidential address to the Indian National Congress (INC) in 1897 spoke glowingly about them:

> From our earliest school days, the great English writers have been our classics. Englishmen have been our professors in colleges. English history is taught in our schools. We live now the life of the English … to deny us the freedom of the press; to deny us representative institutions England will have to ignore those very principles for which the noblest names in her history toiled and bled.[9]

Equally vocal was the opposition. The opinion of Sir Syed Ahmed Khan echoed the stand of his counterparts in England in this regard:

> In borrowing the system of representative institution from England it is of the greatest importance to remember those socio-political matters in which India is distinguishable from England … in a country like India, where caste distinctions still flourish, where there is no fusion of the various races, where religious distinctions are still violent, where education in its modern sense has not made any equal or proportionate progress among all sections of the population I am convinced … a system of election, pure and simple, cannot be safely adopted. The larger community would totally override the interests of the smaller.[10]

It is not surprising, therefore, that at the Round Table Conference (1930–3) Lord Peel suggested that the Swiss or the American model were more appropriate for India.[11] Gandhi too did not share much enthusiasm for Parliamentary institutions. In the *Hind Swaraj*, he firmly said, 'Parliament is a prostitute',[12] a metaphor he regretted later but whose utterance was definitely not a slip of tongue.

Gandhi's critique made some people search for an alternative to the Westminster model, one much more rooted in indigenous traditions, but it found limited appeal. But in this search for 'a constitution suited to her own genius', many people saw an archaic and reactionary advocacy, ill-suited to the demands of a modern nation.[13] The nationalist consensus on the issue was formulated in the *Nehru Report* of 1928 which demanded a dominion model of Parliament and an Executive responsible to that Parliament.[14]

Irrespective of this debate, Parliamentary institutions were getting embedded in India through numerous interventions. Some of the progressive princely states such as Mysore and Travancore set up their own legislatures, and a few among them could be considered as being much more receptive to the idea of legislature compared to even British India.[15] By the 1920s, significant segments of political India were closely knit with the country's emerging legislative life. In fact, some of the most articulate members of the Constituent Assembly and early Parliaments were trained in these institutions. Although the modes and procedures of the functioning of these bodies closely followed the British experience, there was a great deal of innovation that could be seen as well.[16] Some important political thinkers of modern India, such as Gopalakrishna Gokhale and B.R. Ambedkar, formulated their arguments for a future India in the intense debates of the Legislatures of which they were a part.

Apart from such grooming there emerged a broader Parliamentary ideology in India, the early formulations of which were made during the first half of the nineteenth century itself when thinkers like Raja Ram Mohan Roy fought for the freedom of the press. Even before the formation of the INC in 1885, there had emerged in different parts of India, particularly in the provinces of Calcutta, Bombay, and Madras, several organizations (such as the Sarvajanik Sabha in Bombay) which functioned in ways akin to the Legislature. The nationalist public was partly constituted through these activities. Besides, there arose numerous professional and trade associations which were deliberative, recommendatory, and sometimes made binding decisions; these were different from traditional, ascriptive associations based on caste, community, and religion. In fact, these associations nurtured not merely a civic culture of rights, debates and discussions, and critical reasoning but were also forums where the future political leaders were schooled. Many were nonconformist and opposed not merely the colonial regime, but also other modes of dominance.[17] Many of them constructed a genealogy for their respective

stances by foraying into a cultural past[18] or the critical intellectual traditions elsewhere.

The creation of a Parliamentary ideology in India and its percolation to different segments came to be profoundly influenced by the direct exposure of many Indians to the functioning of the British Parliament and the larger ethos and writings on the institution and its principles. It was therefore not surprising that a certain consensus was emerging even without much reflection, as the ground was being prepared in favour of Parliamentary institutions.

It might be appropriate to distinguish between the growing intrusion of a legislative milieu in India and the nationalist stand on the issue. The national movement looked at the emergence of legislative bodies with deep ambiguity. There were good reasons for the same. These legislative organs could be employed by the colonial establishment not merely to legitimize its role, but also to co-opt articulate sections of society and thereby reinforce the hegemonic designs of colonial rule. At the same time, these reforms could not simply be denied because significant sections of the national movement themselves endorsed them. There was little alternative effort in creating pan-Indian governing institutions to replace Parliamentary institutions. The national movement adopted a two-pronged strategy towards the emerging representative bodies on the issue of participation: cooperation with a critical stance, on the one hand, and opposition that included a call for non-participation, rejection of these bodies, and a demand to replace them with an entirely new set of institutions, on the other. Various options were tested. Those who participated in representative institutions made a positive assessment of the power conferred on these bodies, while simultaneously calling for a greater share in power; those who opposed did not agree on a single alternative. For instance, there were basic disagreements between Gandhi, Nehru, and socialists such as Rammanohar Lohia and Jayaprakash Narayan on the kind of institutions they proposed to replace these bodies. While Nehru[19] was strongly committed to Parliamentary democracy, Gandhi subscribed to a loosely knit polity with the village as its primary unit. Socialists wanted to 'broad-base' the polity with decentralization, encouraging linguistic pluralism and small-scale, labour-intensive industry. But such thinking did not necessarily throw up coherent alternative conceptions on governing institutions. The communists did not have much of an opportunity to work with the developing legislative institutions and saw them as strongly associated with both the bourgeoisie rule and colonial dispensation. At the most, they were seen as transitory.[20] Even Ambedkar had his misgivings about the Parliament. Writing at the end of the Second World War, he felt that Parliamentary democracy had not succeeded in meeting the socio-economic aspirations of the masses which made way for the appeal of fascism in Europe.[21] Eventually such thinking was not adequate

to throw up an alternative to meet the demands of a complex society on the principles of liberal constitutional democracy.

CONSTITUENT ASSEMBLY DEBATES AND PARLIAMENTARY FORM OF GOVERNMENT

In spite of the progress of representative bodies it was still uncertain whether Parliamentary institutions would be the future of India at the time of independence, and the *Constituent Assembly Debates* (*CAD*) in the early stages bear witness to such prevarication. At the same time it was in the Constituent Assembly that the decisive arguments favouring a Parliamentary government came to be worked out, although it was not as heatedly debated in the Assembly compared to some other issues.[22] Many speakers drew attention to the fact that several generations of Indians were schooled in the Parliamentary system of government and this embedded collective experience could not just be ignored. Gadgil was to state it as follows: 'We have been brought up in an atmosphere which has been conducive to the establishment of what we are generally accustomed to term Parliamentary responsible government'.[23] Morris-Jones cites the argument of experience as probably the most decisive one which eventually tilted the balance in favour of the Parliamentary model.[24] Table 1.1 illustrates the impact such an experience had on a decisive segment of the leadership.

Table 1.1 demonstrates that the number of elected representatives increased after successive reforms. Further, nomination was replaced by elected representation. The proportion of the electorate to the total population too increased over time. Apart from these, the resources and influence that representatives wielded registered considerable increase.[25] Parliamentary institutions found enormous support at the critical juncture when the Constitution was being formed and its opponents had little to offer by way of an alternative.

The *CAD* dwell not merely on the form of government but also the specific form that Parliamentary government should assume in India. In his opening remarks Dr Sachidananda Sinha, the interim chairman of the Constituent Assembly, said that the whole idea of a Constituent Assembly was unknown to Britain and therefore the House was required to pay greater attention to the provisions of the American constitution.[26] The objective resolution moved by Jawaharlal Nehru did not mention the Parliamentary form of government at all. He said, 'Obviously, we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape it might take is another matter. We are not going just to copy, I hope, a certain democratic procedure or an institution of a so called democratic country. It will be for this House to determine what shape to give to that democracy'.[27] The first major indication of the form of government was suggested when Sardar Patel presented the reports of the committees on Principles of a Model Provincial

Table 1.1 Development of Parliamentary System—Seats and Franchise

Centre: 1909–19

	Seats in Legislative Council	
	Nominated and Ex-officio	41
Elected	General	13
	Land	7 or 6*
	Muslim	5 or 6*
	Commerce	2
Total Elected		27
Total Seats		68
	(Electorate 4,818)	

Source: *Southborough Report* (1919).
Note: *Alternate Elections.

Centre: 1919–35

Legislative Assembly				*Council of State*	
	Nominated	41		Nominated	27
Elected	Non-Muslim	52	Elected	Non-Muslim	16
	Muslim	30		Muslim	11
	Sikh	2		Sikh	1
	European	9		Non-Communal	2
	Landholders	7		European Commerce	3
	Commerce	4		Total Elected	33
Total Elected		104		Total Seats	60
Total Seats		145			
	(Electorate: 1,142,948 in 1931)			(Electorate: 16,571 in 1926)	

Source: *Simon Report* (1930) and *Lothian Report* (1931).

Centre: 1935–47

Legislative Assembly	*Council of State*
The composition of both chambers was similar to that of 1919–35. The slightly increased electorate was due to the population increase rather than franchise extension.	

Centre: 1947–51

Constituent Assembly	
General	210
Muslim	78
Sikh	4
Total	292
(Electorate: indirectly elected by Provincial Assemblies)	

Source: A.C. Banerjee, *The Constituent Assembly of India* (Calcutta: A. Mukherjee and Co., 1947).

Centre: 1952

	House of the People		*Council of States*	
Nominated	Non-Scheduled	8*	Nominated	16**
	Scheduled Tribes	1	Indirectly elected by State Assemblies	200
Elected	Non-Scheduled	390	Total	216
	Scheduled Castes	72		
	Scheduled Tribes	26		
	Total	497		
	(Electorate: 176 Million)			

Source: Election Commission, *Report on the First General Elections in India, 1952–53* (New Delhi: Election Commission of India, 1957).
Notes: *Includes Kashmir (6).
** Includes Kashmir (4).

*Provinces: 1909–19: Seats in Legislative Councils (7)**

Elected	Nominated and Ex-Officio	159
	General	69
	Land	23
	Muslim	21
	Commerce, etc.	17
	Total Elected	130
	Total Seats	289
	(Electorate: 31,727)	

Source: *Southborough Report* (1919).
Note: *Madras, Bombay, Bengal, United Provinces, Bihar and Orissa, Central Provinces, and Assam.

1919–35
*Legislative Councils (8)***

Nominated		183
Elected	Non-Muslim	347
	Muslim	179
	Sikhs	12
	Anglo-Indians	3
	Indian Christian	5
	European	11
	Landholders	32
	Universities	8
	Commerce	43
	Total Elected	640
	Total Seats	823
	(Electorate: 63,75,000 in 1931)	

Sources: *Simon Report* (1930) and *Lothian Report* (1931).
Note: As in **plus Punjab.

1935–47

*Legislative Assemblies (12)****		*Legislative Councils (6)*****		
General	817	Nominated		29 to 38
Muslim	482	Filled by Legislative Assembly		39
Women	40	Elected	General	118
Anglo Indian	12		Muslim	56
European	26		European	9
Indian Christian	20		Indian-Christian	3
Backward Areas, etc.	12		Total Elected	186
Commerce, etc.	56		Total Seats	254–63
Landholders	36			
Labour	38			
Universities	8			
Sikhs	34			
Total (all seats are elected)	1,581			
	(Electorate: 41 Million)		(Electorate: 66,122)	

Sources: Election Returns, 1946, and *Government of India Act, 1935.*

Notes: ***As in **plus Bihar, North West Frontier Province, Orissa and Sind ****Madras, Bombay, Bengal United Provinces, Bihar, Assam.

1947–51

Composition and Franchise as in 1919–35

*Legislative Assemblies (22)******			*Legislative Councils (7)********	
Nominated		11	Nominated	69
Elected	Non-Scheduled	2,603	Indirectly Elected by Local Authorities	125
	Scheduled Castes (SCs)	477	Graduates	33
	Scheduled Tribes (STs)	192	Teachers	31
	Total	3,283	Legislative Assemblies	129
			Total	387
	Electorate: 176 Million		Electoral Colleges (3) ******: 90 seats	

Source: Election Commission, *Report on the First General Elections in India, 1951–52* (New Delhi: Election Commission of India, 1957).

Notes: *****Assam, Bihar, Bombay, Madhya Pradesh, Madras, Orissa, Punjab, Uttar Pradesh, West Bengal, Hyderabad, Madhya Pradesh, Mysore, Patiala and East Punjab States Union (PEPSU), Rajasthan, Saurashtra, Travancore–Cochin, Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh, and Vindhya Pradesh.

******Kutch, Manipur, and Tripura.

*******Bihar, Bombay, Madras, Punjab, Uttar Pradesh, West Bengal, and Mysore.

Source: Morris-Jones, *Parliament in India*, pp. 71–3.

Constitution and Principles of the Union Constitution. He said that the committees concluded 'that it would suit the condition of this country better to adopt the parliamentary system of constitution, the British type of constitution with which we are familiar … the provincial constitutional committee has

accordingly suggested that this constitution shall be a parliamentary type of cabinet'.[28]

Some members of the Assembly advanced a much stronger authoritarian dispensation by rejecting the Parliamentary form and suggesting a Presidential dispensation. Ram Narayan Singh was categorical in this regard. He said, 'The parliamentary system must go. I have bitter experience of working in the provinces. In the presidential system it is easy to find one honest president, but it is not so easy to find an army of honest ministers and deputy ministries and Parliamentary secretaries and so on.'[29] Others traced a cultural kinship between India and a Presidential system but to primarily suggest an authoritarian system; Brajeshwar Prasad wanted to vest all powers in a President with a set of core advisers: 'What Plato advocated in his *Republic* has always been practiced in India.'[30] There were some arguments to make the Prime Minister a *de facto* President. Pandit Thakur Das Bhargava suggested a reinforcement of the office of the Prime Minister against the Council of Ministers: 'It should be clearly stated in the Union Constitution that the voice of the Prime Minister would be the final voice and the President will merely echo it. On no occasion should the voice of the Premier be flouted. Secondly, the Prime Minister should have the right to choose his cabinet colleagues, and the principle of collective responsibility should be adhered to.' He moved a resolution, 'The Prime Minister shall select the other Ministers and the whole ministry shall be responsible to the legislature and act on the principle of joint responsibility in the discharge of the duties of the Ministry.'[31] Some confined themselves to emphasizing the flaws of the Parliamentary system: Professor K.T. Shah felt that the Parliamentary Executive was likely to deploy resources 'to corrupt the house ... to influence the votes of members by the number of gifts or favors they have in their power to confer.'[32] What is interesting to note is that some of these arguments have a contemporary ring about them.

Interestingly, many Muslim members of the Assembly did not seem too enthusiastic to embrace a pure and simple Parliamentary system of the Westminster kind. In fact, a few of them put forth the case for a fixed-term Executive, chosen by proportional representation, through election by the Legislature, in the Swiss composite-executive model.[33] Such a positioning reflected the great debate on constitutional arrangements to resolve the communal deadlock in India in the 1940s.[34] Aziz Ahmed Khan put forward this argument in a strong adversarial fashion: 'The English system of democracy does not suit India ... it is absurd to think no sooner the constitution is framed, the religious groups will disappear and parties will be formed on political and economic principles.' He pleaded for a fixed-term elected coalition to 'secure the confidence of every party in the cabinet.'[35] The argument strongly invoked stability: 'you should protect the ministers against the shifting parties and predilections of groups in the legislatures.'[36] This argument was forcefully put across by Kazi Syed

Karimuddin when the report of the Union Constitution Committee came before the Assembly. He argued that there would be a plethora of parties in independent India and in such a situation parliamentarianism would result in instability akin to that of the French Republic.[37] It is important to recognize that beyond their facile meanings these arguments reflected a deeper apprehension of a minority in a majoritarian electoral dispensation and in a polity which was otherwise deeply diverse. All Muslim members, however, did not subscribe to this position. Some of them defended Parliamentary democracy strongly, making forceful rebuttals of the argument that the ministers should be elected by the whole Parliament on the basis of proportional yoting. Tajamul Hussain felt that if weight was the consideration, even a small party could succeed in electing a minister into the cabinet. As a result, there might be ministers with 'divergent views and opinions' that might endanger teamwork and stability. He characterized the demand for a non-Parliamentary executive as anti-democratic.[38]

Against those alluding to Indian tradition and experience and proposing a Presidential system, K.M. Munshi retaliated in the same coin: 'We must not forget a very important fact that during the last one hundred years Indian public life was largely drawn on the traditions of English constitutional law... Our constitutional traditions have become Parliamentary and we have now all of our provinces functioning more or less on the British model ... After this experience why should we go back on the tradition that has been built for over a hundred years and try a novel experiment framed hundred and fifty years ago and found wanting even in America?'[39] Against those who sought qualified versions of the Parliamentary form and a fixed Executive, a formidable set of arguments were advanced by many members. Munshi felt that a fixed-term elected executive superimposed on the Parliament would fragment political life and produce disunited ministries.[40] Under such conditions governments would become smaller, engaged with just a few concerns, timid, and inconsistent. If one desires a strong government it cannot but be a party government. N.V. Gadgil reinforced this argument saying, 'If a party comes into power it cannot implement its programme unless it is charged with the full executive responsibility of the government.'[41]

Nehru set himself decisively against a composite ministry by saying that it would create a feeble ministry and a feeble government.[42] Dr Sitaramaiyya speculated that minorities need not be cushioned by providing them constitutional representation in the cabinet; they would invariably be present once ordinary life assumes primacy in the affairs of the government.[43]

Several concomitant developments reinforced the acceptance of the Parliamentary form of government, with the Executive responsible and accountable to the Legislature. As the deliberations of the Constituent Assembly progressed, Pakistan as an independent sovereign entity became a reality weakening the

claim of minorities to a separate electorate.[44] The *Report on Minority Rights* placed before the Assembly in August 1947 recommended the abolition of separate electorates and weightage that minorities had hitherto enjoyed in the electoral system. The idea of a separate electorate was also ridiculed for sharpening 'communal differences to a dangerous extent' and for being 'the main stumbling block to the development of a healthy national life.'[45] The arguments of some of the spokespersons for reservations were countered by Sardar Patel: 'Those who want that kind of thing have a place in Pakistan, not here'.[46] As the *CAD* progressed and the reality of Pakistan sunk deep an overwhelming number of Muslim members did not press for any weightage for minorities either in election or in the sharing of offices and powers. Only Dr Ambedkar held on resolutely to political reservation for SCs and other constitutional guarantees for them.

A Gandhian scheme of constitution came to be proposed on the eve of the convening of the Constituent Assembly. However, this scheme did not enjoy much support within the dominant opinion makers of the Congress. Gandhian followers attempted to salvage some ideas from the scheme and make them integral to the Constitution.[47] Some felt that an indigenous basis for public institutions could be salvaged by incorporating these elements. Ambedkar scorned one such proposal which suggested that the foundation of the Indian polity be based on village republics thus: 'Village republics have been the ruination of India... What is the village but a sink of localism, a den of ignorance, narrow mindedness and communalism? I am glad that the draft constitution has discarded the village and adopted the individual as its unit.'[48]

The decision to opt for the Parliamentary system drew scorn from members opposed to it. Loknath Mishra called it 'a slavish imitation—nay much more—slavish surrender to the West.'[49] Laxminarayan Sahu invoked cultural legacy, as so many have done after him, and said, 'the ideals on which this draft constitution is framed have no manifest relation to the fundamental spirit of India... What is there in the constitution to be proud of?'[50] Ramnarayan Singh, referring to the constitution said, 'The British have departed but I regret to say that our country men have not forsaken the ways of their former masters. We will experience much more difficulty in bidding good bye to the ways of the British than we experience in bidding good bye to the British themselves.'[51] But the debate demonstrated that these critics had little to suggest by way of an alternative. Ambedkar had the last word when he said it was futile to pass judgement on the Constitution without reference to the part which the people and their parties are likely to play. However good a Constitution may be, it is sure to turn out bad if those who are called upon to work it happen to be a bad lot.[52]

PARLIAMENT AND THE ELECTORAL PROCESS

It is the elections and the electoral process that make a Parliament accountable. While elections have been described as the 'carnival of democracy',[53] they have had their share of controversy. A limited franchise was introduced in India by the *Council Act, 1892* and continued with some steady expansion till the *Government of India Act, 1935*. However, while the number of those enfranchised grew over successive reforms, they were still confined to a narrow and relatively privileged section of the Indian society. The Constituent Assembly too was elected in 1946 indirectly, by the Provincial Assemblies, which in turn were elected under the provisions of the *Government of India Act, 1935*.[54] There was a great need of apprehension about going whole hog with universal adult franchise. Therefore, 'in the constitution making discussions there had been some talk of proportional representation, and some hopes for a system of indirect elections based on village Panchayats'.[55] Eventually, however, the Constituent Assembly decided to opt for direct elections on the basis of universal adult franchise embracing the 'first past the post system' (FPPS).[56] The hopes of the Constituent Assembly in taking this bold step were summarized by its President, Rajendra Prasad, as follows: 'In my opinion our people possess intelligence and common sense; they also have a culture which the sophisticated may not appreciate but which is solid … they are able to take measure of their own interests and also of the interests at large if things are explained to them.'[57] Behind such exaggerated formulations, however, loomed large a desire to break ranks with the colonial order which, in its piecemeal expansion of franchise, displayed much condescension towards the commoner. It was also an audacious measure that was clearly directed against a social order steeped in hierarchy, patronage, and exclusion.

An independent electoral regime which can inspire confidence in the electorate is a *sine qua non* for the successful conduct of elections. The Constitution provided for a permanent Election Commission with the power of superintendence, direction, and control of preparations and the conduct of all elections both to the union Parliament and state Legislatures. In practice, the independence and neutrality of the Commission has been generally recognized. There have been significant changes in the electoral regime in India over the years. On 1 October 1993, the then President, Dr Shankar Dayal Sharma, issued a notification altering the structure of the Election Commission converting the hitherto prevalent single member Commission into a multimember body with three commissioners. This notification and the Act that followed it were challenged in the Supreme Court of India. In 1995, a five-member bench of the Supreme Court upheld the validity of this Act. There are now three election commissioners of whom one is the chief. But all decisions are taken by a majority vote.

Delimitation of Constituencies

Constituency boundaries for the Lok Sabha and state Assemblies are subject to periodic revision to meet the objective of equality of suffrage. Article 82 of the Constitution prescribes that a fresh drawing of boundaries should take place after each census. The first delimitation of constituencies was done in 1952. Subsequently, territorial constituencies have been demarcated by a Delimitation Commission. The constituency size in India varies, particularly given the fact that smaller states have to find a minimum representation. The states with the largest constituencies are often the most underrepresented in the Lok Sabha. The Delimitation Commission conducted a minor revision of boundaries in 1956 and a comprehensive revision in 1966 and 1976. In 1976 the Constitution was amended to postpone the next delimitation until after the year 2001, in response to some states' fears that their effort at population control could result in reducing their representation.[58] In spite of such changes, the recommendations of the Delimitation Commission in 2007 unsettled many constituencies due to the demographic shift within states, growth of urbanization, and changes in the pattern of growth of the SC and ST population. Changes have also resulted from the delimitation order by Parliament due to the bifurcations of states, creation of new states, abolition of multimember constituencies, etc. However, there has not been much of an accusation of 'gerry-mandering' in India[59] as has been the case in the United States.

One of the special features of the Indian electoral system is the reservation of seats in the Lok Sabha for SCs and STs. Article 330 (2) provides that these seats be reserved in proportion to their number in the population. Initially, reserved seats were part of the double member constituencies where everyone had two votes and the ST or SC candidate who got the most votes was elected along with another general candidate. In 1961 the double member constituencies were abolished. At present in the reserved constituencies only members of the SCs and STs, as the case may be, can contest for the support of the electorate as a whole. This system of joint electorate with reservation is markedly different from separate electorate with reservation of a quantum of seats in the House for specified groups and communities that prevailed prior to independence. The Delimitation Commission has tried to allot reserved seats to SCs and STs in areas where they are heavily concentrated. However, given the spread of the SC population, one of its members may get elected without a majority support from them.

The Constitution also makes provisions for the nomination of a maximum of two Anglo Indian members to the Lok Sabha, if members of this community do not get elected through a popular mandate.

PARLIAMENT AND POLITICAL PARTIES

In the first general election the commission recognized 14 national parties and 60 state parties on the basis of the claims made by various political parties. While the national parties had a symbol reserved for them at the national level, state parties had a symbol for all its candidates in the specified state. After the first general election the four parties that received more than 3 per cent of the vote for Lok Sabha were recognized as national parties. After the second general election in 1957 the concept of a national party was abandoned and parties came to be recognized on a state-wise basis if they had received 3 per cent of the popular vote in the Lok Sabha as well as the State Assembly Elections. However the concept of the national party was reintroduced afresh in 1971 elections.

While the Election Commission reserved symbols to national parties and state-level parties from 1952 itself, the other candidates were supposed to choose from the 'free symbols'. In 1968 the Election Commission issued the 'election symbols order' under which political parties had to register themselves with the Commission. Recognition came to be granted to a party on the basis of a set of criteria.[60] If a party is not recognized then its victorious candidates are considered as independent. The symbols order also contained procedures for resolving disputes when recognized parties split into rival factions.

Opposition unity in elections has been manifest in India in two ways: Firstly by coming together to fight under a single common symbol as in the 1977 elections or by seat adjustments as happened in 1989. In the later case different parties agree not to fight against one another from the same seats. In the 1990s, complex arrangements have been put in place in this regard, sometimes formally but often informally.[61] In the first general election, while the Congress won a large number of seats, which is creditworthy, the percentage of the votes that it secured was less than 50 per cent of the votes cast. In the context of the nationalist struggle, where the Congress was the pre-eminent party, this was not an impressive showing. In spite of the bad performance of the socialists and the communists, the proportion of votes in favour of Congress was not impressive.

The first four elections had an average turnout of 52 per cent (see Table 1.2), while in the recent 4 elections, including the 14th Lok Sabha elections, this turnout has averaged 59.49 per cent. While the turnout has been higher among men the participation rate has steadily increased among women. While female voter turnout was 38.8 per cent in 1957 it went up to 57.3 per cent in 1989. In the 2004 Lok Sabha elections, the proportion of female votes was only 53.64 per cent against 58.07 per cent votes cast. Voter turnout in urban areas has always been higher by about 6 to 8 per cent and has been uneven across states,

with West Bengal and Southern States having a much larger turnout compared to the rest.[62] From 1970s onwards the turn out of certain social segments, such as women, SCs, STs, and Muslims, has registered significant increase overall. In recent years the voter-turnout in the small states of Northeast India has been truly astonishing sometimes exceeding 90 per cent of registered voters in the concerned states.

Table 1.2 Strength of Political Parties in the Lok Sabha and their Percentage of Popular Vote, 1952–71

Parties/Election Year	*1952*	*1957*	*1962*	*1967*	*1971*
Total Number of Contested Seats and turnout %	479 (45.7%)	482 (47.7%)	491 (55.4%)	515 (61.3%)	517 (55.3%)
INC (INC [I] in 1971)	364 (479) (45%)	371 (490) (47.8%)	361 (488) (44.7%)	283 (516) (40.8%)	352 (441) (43.7%)
BJS	3 (94) (3.1%)	4 (130) (5.9%)	14 (196) (6.4%)	35 (251) (9.4%)	22 (160) (7.4%)
Swatantra Party			18 (173) (7.9%)	44 (178) (8.7%)	8 (56) (3.1%)
CPI	16 (49) (3.3%)	27 (110) (8.9%)	29 (137) (9.9%)	23 (106) (5.0%)	23 (87) (4.7%)
CPI (M)				19 (62) (4.4%)	25 (85) (5.1%)
Lok Dal (LKD) and INC (O)					16 (10.4%)
PSP (KMPP in 1952)	9 (145) (5.8%)	19 (189) (10.4%)	12 (168) (6.8%)	13 (109) (3.1%)	2 (63) (1.0%)
SSP (SOC till 1962)	12 (254) (10.6%)		6 (107) (2.7%)	23 (122) (4.9%)	3 (93) (2.4%)

Source: David Butler, Ashok Lahiri, and Prannoy Roy, *India Decides Elections 1952–1995*, New Delhi: Books and Things, 1995, p. 67.

Notes: KMPP: Kisan Mazdoor Praja Party, INC (I): Indian National Congress (Indira), PSP: Praja Socialist Party, SSP: Samyukta Socialist Party, SOC: Socialist Party, BJS: Bharatiya Jan Sangh, INC(O): Indian National Congress (Organization)

The dominance of the Congress in the elections received a rude shock in the fourth general elections when eight states elected non-Congress governments.

Even in the Lok Sabha the Congress secured only 283 seats in 1967 while its voting percentage was reduced to 40.8 per cent from 44.7 per cent in 1962. With the split of the Congress Party in 1969 the ruling Congress Party lost its majority for the first time in the Lok Sabha and came to rely on the support of parties such as Communist Party of India (CPI). However the Congress led by Indira Gandhi made a major comeback in the first midterm elections held in 1971 securing 352 seats in the Lok Sabha and 43.7 per cent of the popular vote. This victory however did not ensure political stability. In fact there were massive agitations and protests against the government across India from the later half of 1973 onwards which were brought together into a precarious bloc by Jayaprakash Narayan. His demands included accountability of public power, right to recall elected representatives and civic autonomy.

In 1977, four major parties came together—The Indian National Congress (Organization) [INC (O)], Bharatiya Lok Dal (BLD), Bharatiya Jana Sangh (BJS) and the Socialist Party (SOC)—to form the Janata Party. They also had an electoral understanding with the Communist Party of India (Marxist) [CPI (M)] (see Table 1.3). The Janata Party secured 295 seats with 41.3 per cent of the popular vote while the CPI (M) secured 22 seats and 4.3 per cent of the popular vote. In the 1980 elections, the Congress Party bounced back to power with 353 seats and 42.7 per cent of the popular vote while the opposition remained fragmented. The CPI (M) however continued to be the leading left party. In the 1984 elections, following the killing of Indira Gandhi, the Congress secured the highest number of seats, that is, 415 and its highest share of vote ever, i.e. 48.1 per cent. In the 1989 elections, V.P. Singh, a former Finance Minister in the Congress Cabinet (1984–9) rallied the Janata Party, Lok Dal (A), and Lok Dal (B) to merge into the Janata Dal and formed a national front against the Congress with the Janata Party, Dravida Munnetra Kazhagam (DMK), CPI, CPI (M), Congress (O), Asom Gana Parishad (AGP) and other smaller parties. This Front came to a seat-sharing arrangement with the Bharatiya Janata Party (BJP). In this election the Congress secured only 197 seats while still garnering 39.5 per cent of the votes, while the Janata Dal secured 143 seats, with 17.79 per cent of the vote. V.P. Singh formed the government, supported from outside by the BJP, CPI, and CPI (M). Following the collapse of this government the Janata Dal split and its one faction was led by Chandrashekhar to form a government supported by the Congress from outside. This government fell soon with the withdrawal of support by the Congress. In the 1991 elections the Congress Party secured 227 seats while its proportion of votes was further reduced to 36.5 per cent. The BJP made remarkable gains in this election securing 20.1 per cent of the votes. The Congress formed a minority government initially under the prime ministership of P.V. Narasimha Rao but by the end of its term the government had succeeded in garnering a majority on its own in the Lok Sabha.

Table 1.3 Strength of Political Parties in the Lok Sabha and their Percentage of Popular Vote, 1977–2004

Parties/Election Year *1*	*1977* *2*	*1980* *3*	*1984* *4*	*1989* *5*	*1991* *6*	*1996* *7*	*1998* *8*	*1999* *9*	*2004* *10*
Total No. of Seats/ Voter Turnout	542 (60.5%)	529 (57.0%)	542 (67.1%)	529 (62.0%)	511 (56.7%)	543 (57.94%)	543 (61.97%)	543 (59.99%)	552 (58.07%)
INC	154 (492) (34.5%)	353 (492) (42.7%)	415 (517) (48.1%)	197 (510) (39.5%)	227 (492) (36.5%)	140 (529) (28.8%)	141 (477) (25.82%)	114 (453) (28.30%)	148 (417) (26.52%)
BJP (BLD in 1977)	–	–	2 (229) (7.4%)	86 (226) (11.5%)	120 (468) (20.1%)	161 (471) (20.3%)	182 (388) (25.59%)	182 (339) (23.75%)	137 (364) (22.16%)
Janata Party/Janata Dal** (Janata Party in 1980; JD [U] in 1999)	295 (405) (41.3%)	31 (433) (18.97%)	10 (207) (6.89%)	142 (243) (17.79%)	59 (307) (11.84%)	46 (196) (8.08%)	6 (191) (3.24%)	21*** (60) (3.10%)	N.A
CPI (M)	22 (53) (4.3%)	36 (63) (6.1%)	22 (64) (5.7%)	33 (64) (6.5%)	35 (60) (6.2%)	32 (75) (6.1%)	32 (71) (5.16%)	33 (72) (5.46%)	44 (69) (5.66%)
CPI	7 (91) (2.8%)	11 (48) (2.6%)	6 (66) (2.7%)	12 (50) (2.6%)	14 (42) (2.5%)	12 (43) (2.0%)	9 (58) (1.75%)	4 (54) (1.48%)	12 (34) (1.41%)

BSP*	5 (251) (4.65%)	14 (225) (4.16%)	18 (435) (5.33%)
Nationalist Congress Party (NCP)*			9 (32) (1.80%)

Notes: *Recognized as a national party after the 14th Lok Sabha Elections. *Source*: Election Commission of India.

** Janata Party/Janata Dal had split to Janata Dal (Secular) and Janata Dal (United) [JD (U)] and both parties did not qualify as national parties.

Source: Election Commission of India.

***The JD (U) included Samata Party (Bihar) and Lok Shakti (Karnataka). *Source:* Balveer Arora, 'The Indian Parliament and Democracy', in Ajay K. Mehra and Gert W. Kweck (ed.), *The Indian Parliament: A Comparative Analysis* (New Delhi: Konark, 2003).

Source: Balveer Arora, 'The Indian Parliament and Democracy', in Mehra and Kweck (eds), *The Indian Parliament*, p. 18.

The 1990s threw up a Lok Sabha deeply fragmented in terms of party affiliations reflecting the assertion of deep diversities in India. The P.V. Narasimha Rao government (1991–6) resorted to a policy of liberalization and the bait of the market to bind these myriads of fragments together. In the 1996 elections the Congress Party secured only 140 seats in the Lok Sabha and 28.8 per cent of the popular votes. The BJP, while it did not increase its percentage of vote from 1991, secured 161 seats in the Lok Sabha, becoming the single largest party in the House. The BJP-led government that was formed following the elections lasted only for 13 days. It was succeeded by the United Front government made of a post-poll coalition of 13 parties, supported by the Congress and the Left parties. The United Front enjoyed the support of about 180 members of the Lok Sabha. While the withdrawal of support by the Congress Party led to the fall of the Deve Gowda-led government and the installation of I.K. Gujral as Prime Minister, this arrangement could not last long given its dependency on the Congress. The 1998 elections repeated the fractured verdict of 1996, but the BJP had improved its share of seats to 182 and votes to 25.59 per cent. A post poll alliance known as National Democratic Alliance (NDA), a coalition of several parties, led by the BJP emerged in its wake and this alliance survived subsequently, although some partners walked in and out from the alliance now and then.[63] This alliance having lost its majority, even before a year in power, had to seek electoral mandate, although the nationalist jingoism bred by the explosion of nuclear weapons, Pokharan II, and the Kargil war between Pakistan and India went largely in favour of the BJP and its allies. The BJP took the lead in forming a pre-poll alliance with its alliance partners that included many regional parties and the non-Congress and non-Left opposition. While the vote-share of BJP declined by nearly 2 per cent in the 1999 elections (23.75 per cent) and the number of seats it secured remained 182,[64] the same as in 1998, the formidable coalition that it had built, the NDA succeeded in securing a comfortable majority. The Congress Party, while marginally improving its vote percentage to 28.3 per cent as compared to 25.82 per cent in 1998, secured only 114 seats in the Lok Sabha, its lowest tally ever.

The vote share of the Congress was progressively on the decline from 1984, but it did not attempt to form an electoral alliance with significant partners. Following the 1999 elections it rethought its strategy of going it alone in the elections and sought a coalition of its own. In the 2004 elections it secured 148 seats and secured 26.52 per cent of the votes, while the BJP secured 137 seats and 22.16 per cent of the vote. The support of the Left parties enabled the Congress-led United Progressive Alliance (UPA) to secure a majority in the Lok Sabha. It is noteworthy that the core of the NDA, made of the BJP and several smaller parties, survived as a united opposition during the UPA rule. It held out the possibility of the emergence of a fairly stable system of coalition

anchored around a leading party shaping electoral politics and legislative functioning in the future.

Since 1952, most Parliaments have run more or less their full course, except the sixth, ninth, 11th and 12th Lok Sabhas. In 1971, Mrs Gandhi called for the dissolution of the Lok Sabha a year early and in 1975 during Emergency the duration of the Lok Sabha was extended by one year. The shortest Parliamentary term has been after the1998 elections. It is noteworthy that the coalition governments made of several parties succeeded in providing stable governments during the 13th and 14th Lok Sabhas.

There has been both continuity and significant changes in the party composition of the Lok Sabha over the years. In the first five Lok Sabhas the Congress was the overwhelmingly dominant party with a strong nationalist focus. Although the other leading parties were far behind it, they were essentially not regional or sectarian. Most of them were ideologically driven, upheld the essential equality of citizens and wished to bring about significant changes in the economy and livelihood of the masses.

Given their understanding of these issues there was conflict and rivalry among them but there was a shared universe of discourse across them too. There were two parties among them which were significantly different; the Jan Sangh which subscribed to Hindu nationalism and therefore appealed to a community and the Lok Dal which emerged from the fold of the Congress and claimed to speak for the Indian peasantry as a whole. Sections of the Congress, the SOC and the Swatantra parties, had some interests in common with these two parties but at the same time locked in a set of contentious relations with regard to issues such as Union versus States, centralization versus decentralization, industry versus agriculture, English versus Indian languages, big industry versus small scale industry etc. Some of these shared concerns came together in the making of the Janata Party in 1977. While segments of the social constituency that the Janata Party wielded together were themselves authoritarian, they needed freedoms to organize and express themselves, against the state authoritarianism of the Congress in 1970s.

Table 1.3 shows the fluctuating fortunes and then the gradual but steady decline of the Congress Party's share of seats in the Lok Sabha from 1977–99 and a slight upswing in seats in 2004. It can be argued that the last time it obtained a clear and unambiguous electoral mandate was in the 1980 elections. The 1984 mandate was obtained under exceptional circumstances and the same could be said for the 1991 outcome as well.[65] On the surface, the Janata Party suggested itself as the alternative to the Congress Party in 1977. But given the complexity of India, the contradictions in-built into this party, the pulls and pressures within this formation made any credible governance impossible. The Janata Party's different fragments charted their own distinct courses and had begun to relate themselves to their social and economic

clusters separately rather than as a single party. The shift in party affiliation that we see in 1990s is markedly different from that of 1970s. This shift provided a body blow to the hitherto attuned ways of conducting parliamentary democracy in India subjecting the principles of secularism[66] and constitutionalism to great strain. At the same time the great diversity of India and its contradictory pulls and pressures made themselves heard in the Lok Sabha. It is diversity and an appeal to difference that took hold of the Lok Sabha in 1990s and even beyond and not the egalitarian impulses characteristic of the early decades of independence. The number of parties in the Lok Sabha grew at a rapid pace. While there were 26 parties recognized by the Election Commission of India in the 11th Lok Sabha, the 12th Lok Sabha had 42, the 13th Lok Sabha and 14th Lok Sabha had 37 of them. Coalition politics presented itself as the immediate and only option in this context.

The formation of the Lok Sabha (and state assemblies) periodically through an electoral mandate in a country of continental proportions with deep diversities, widespread inequalities and enduring forms of social discrimination has been an unparalleled human feat. The evolution of the party system in India and its capacity to reach out to diverse social constituencies has played a major role in shaping the Parliament. At the same time, by making a place for a wide range of parties within its ambit the parliamentary system in India has succeeded in re-orienting political dynamics and social unrest in specific directions which few could anticipate in the initial years.

MAJOR PHASES OF TRANSFORMATION

While the first three general elections created few controversies with regard to the electoral mandate, subsequent formations of Parliament have been subject to radical breaks as well as twists and turns, making commentators confer a great sense of discernment on the Indian voter. This part of the journey of the Indian Parliament has been fairly well-documented.[67] There has been a good deal of academic literature on factors of instability arising from the absence of any party commanding a majority in the Lok Sabha,[68] and recently on coalitions that have become more of a rule rather than the exception from the later part of the 1990s.[69]

It has been suggested earlier that three distinct phases of the Indian Parliament stand out: the 1950s, 1970s, and 1990s. In the 1950s, there was a stable majority woven around the dominance of a single party which Rajni Kothari terms the 'one party dominance system'.[70] During this period the Congress Party could not be said to be united in terms of a single purpose. It enjoyed an overwhelming majority but was also made of distinct and often contending factions. On occasions, a faction from within the Congress would join hands with the opposition and prevent the government from stonewalling the

Parliament or ride roughshod over public opinion. Many of the Parliamentarians during this period had direct experience with the national movement and they strongly identified with a shared understanding of the nation in spite of their differing visions and perspectives.

To what extent was the ethos of the Parliament, at least in its early days, distanced from the central values of tradition? There is much evidence to suggest that values of hierarchy and deference were strongly ingrained in the working of the institution, and formed the normative map governing the perspectives and practices of most of the members of the House. At the same time these values were in contention with others and such conflicts did not always converge on party lines. D.L. Sheth has argued that this system was embedded in a 'structural separation' of the bureaucratic and legislative domain, on the one hand, and the public domain on the other through a low level of politicization of the latter. The legacies of the national movement, locating authority within the gamut of traditional values and even social relations, as well as the sanction obtained through elections ensured 'diffused loyalty to the political authority and ensured its legitimacy'.[71] The political and bureaucratic elite were the successors to, 'a long and distinct tradition, the cultural tradition of Brahmanism, whose genius lay in compartmentalization rather than expansion or subjugation'.[72] He calls this system the 'political miniaturization of the Hindu social system', where counter validity claims to legitimization that arose from time to time were constantly diffused and direct subjugation of its peripheries was avoided. While traditionally this was achieved through the *varna–jati* system, the Congress tried the rhetoric of socialism and the policy of the 'mixed economy' managed by political—bureaucratic elites.[73] In this arrangement the Parliament as the institution of democracy par excellence enjoyed a specific kind of legitimacy, combining traditional endorsement with the prestige of the national movement and the sanction derived from elections. This arrangement, however, insulated political authority, including deliberations of the Parliament, from the 'maddening' crowds to a great extent and integrated the Parliament much more closely with the state and its sovereign trappings. Elections were not the sole mechanism of endorsing political authority, although they were its integral part. In this context, 'The public realm', argues Sheth, 'thanks to its level of politicisation offered a diffused loyalty to the political authority and thus ensured its legitimacy'.[74] Foregrounded in a political culture of this kind, the Parliament was able to assert its authority, of a hegemonic kind, by adopting certain economic decisions such as abolition of zamindari, suggesting reservations for backward classes, and making provisions for the maintenance of the distinct identity of minorities.[75] The insulation of the Parliament from the public domain and drawing it close to the executive domain played a key role in ensuring such decisions.

There was a broadly shared political culture among the Members of Parliament (MPs) in the 1950s even though they might have belonged to different parties. The PSP, the main opposition as per electoral support, was made of members who for long were within the fold of the Congress and shared many of its values and beliefs, modes of work, and fundamental assumptions. About 3.3 per cent of the MPs belonged to the CPI. Although they seemed to be ideologically far removed from the Congress, they were a much transformed lot with their acceptance of the Parliamentary path.[76] Their interventions in the House were processed through a system of rules and regulations, including a thick layer of secular rituals. The international Communist movement had little experience of working with Parliamentary democracy to pass on lessons to comrades in India. Although they spoke of breaking the Parliament from within, using a metaphor that Lenin employed towards the Duma in Tsarist Russia for a time, a majority of these representatives saw Nehru in very progressive terms and strove to build a radical and state-centred alliance with him.

With growing disenchantment about the efficacy and representative character of the Parliament, its complexion underwent radical changes in 1970s. It is important to note the context of these developments. A profound economic crisis loomed large from the latter half of the 1960s which eventually led to the Green Revolution. The Congress Party itself split into the Congress (O) and Congress (I) in 1969. Many members of the older generation sided with the Congress (O), which in turn led to a major gulf between the old guard drawn from the national movement and the new generation which formed the Congress (I). Regional parties asserted their presence in the electoral arena and in 1967 eight non-Congress governments came to be installed in states.[77] While some of these parties were breakaway groups of the Congress party, others consolidated themselves by tracing their lineage to the nation independent of the Congress. Many of these regional parties often appealed to regional identities and social clusters which had not been politically active or included within the hegemonic fold of the Congress. Paul Brass has argued that in northern India two distinct political blocs were to emerge during this period, the upper castes, SCs, STs, and minorities on one hand, and the middle castes—in his formulation this includes Jats, Yadavs, Kurmis, and others—on the other.[78] While the former largely remained with the Congress, the latter moved over to regional parties. In Tamil Nadu, the DMK came to power in 1967 and its ideology was closely aligned with regional and ethnic identity.[79] This period also saw the rise of major social movements which were not necessarily bound to any single ideological axis. The Naxalite movement, with its social base among the lower peasantry and unemployed educated youth in urban agglomerations, argued for a non-Parliamentary path to bring about social revolution.[80] The early 1970s saw land grab movements sometimes

under the auspices of socialist parties and sometimes under non-party formations such as the Dalit Sangharsa Samithi in Karnataka. But the trend was not always leftward. The Shiv Sena that grew in Bombay in the late 1960s and early 1970s raised the issue of 'sons of the soil' and tried to pit Maharashtrian workers against the South Indians, demanded jobs for the Maharashtrians, and eventually came to oppose North Indian migration into Bombay.[81] This was much before its metamorphosis into an extreme version of Hindutva in the 1980s. The Vishwa Hindu Parishad (VHP) formed in the 1960s called for consolidation of the Hindu identity across India by convening representatives of sects and traditions on a common platform.[82] In Gujarat, a massive student agitation broke out against reservations for the SCs in the early 1970s.[83] In the 1950s there arose several public institutions closely aligned with the state[84] which Nehru thought were more advanced than Indian society and therefore could lead Indian society on the path of progress. By the early 1970s, however, it was clear that the state institutions had become like the tentacles of an octopus reaching out to every nook and corner of Indian society. They primarily reproduced themselves rather than bring about any tangible transformation in society.

Although the demand for Bangladesh and the division of Pakistan into two countries ensured a Parliamentary majority to the Congress, it could not contain the travails of transition for long. New social groups and communities were demanding their say in public affairs and in the working of the polity, and they were not prepared to wait for their incorporation into the civil society. The state organs including Parliament were losing their legitimacy and the widespread social movements were its indicators. A new leadership was almost waiting in the wings to take over. There was an outcry against the kind of centralization that the Indian polity had lent itself to over the years and a demand for state autonomy within the ambit of a federal polity. Several judicial judgements of the period raised questions regarding the way public authority was institutionalized. Institutional disarray was visible not merely across public institutions, but also between public institutions and civil society groups. Eventually the JPM was a demonstration of this emerging cleavage between the state on one hand and the broader polity on the other.

Although the JPM was to address some of these issues, subsequent developments demonstrated that its capacity to reorder the polity and re-establish its legitimacy, including that of Parliament, was far too short-sighted and short-lived. The JPM, however, raised numerous issues while a few were thrust on it. It called into question the relevance and appropriateness of governing institutions and policies. It found particularly irksome the representative character of the Parliament and demanded a provision to recall representatives. It asserted the notion of popular sovereignty and disputed the status of the political Executive. In fact, it suggested that the army should

submit itself to popular sovereignty rather than to the elected government. It felt that economic policies pursued in India, such as according primacy to industry instead of agriculture, were lopsided. It called for decentralization and devolution of powers to the local bodies. It accorded a significant place for civic assertions, considering them as guardians of the interests of the masses and agencies to elicit accountability and responsiveness from elected bodies including the Parliament. Appeals were made for a profound alteration of the educational regime that was put in place by the state in independent India. The domination of English came to be decried and a reinvigoration of Indian languages was sought. At the same time in its scope and vision, fragmented and dissipated though it was, there was a plea to broad-base Indian democracy and its institutions and make them responsive to popular demands.

The old order struck back by resorting to force and narrow legality. The Emergency and all the brutality that it let loose were to be the indicators of this approach.[85] The Parliament became merely a rubber stamp as were the other organs of government.[86] The decision to impose Emergency was made by a small clique and the President was almost made to sign on the dotted line at an ungodly hour.[87] The Judiciary came to be filled with pliant judges and the term of the Parliament was extended. The Parliament, let alone the people of India, had little say on this issue. In the late 1960s and early 1970s a new generation of political leaders were emerging in and many of them were imbued with a vision of reinvigorating Indian democracy in general, and the Parliament in particular. But the political developments of this period short-circuited the flowering of this leadership and their potential came to be placed at the service of a deeply divided India.

The Emergency was withdrawn in 1977 and for the first time a non-Congress government came to power at the centre. It harboured within itself political tendencies that could hardly agree on a common course of action and therefore showed little capacity to revamp the Parliament and public life in India in general. The Parliament was deeply driven by factions during this period, and this factionalism spread to civil society and the party system as well. In a way this was a threshold stage but few potentialities with which the conjuncture was replete came to be realized.

The 1990s was a significantly distinct phase as compared to the 1970s. With the onset of liberalization, the welfare and development state fashioned through the great debates of the Constituent Assembly and the Parliaments of the 1950s came to be a second order consideration. The Parliament itself had little role to play in this major shift of policy, which in a way questioned afresh its role under the predominance of the markets in an increasingly globalizing economy. There was a decisive shift of initiative to the Executive in a context

where state institutions were already preponderant as devices for regulation and governance. It had massive access to public resources garnered through the years under a state controlled economy with a large public sector. This new hold of the Executive came to be shaped from the time of the return of the Congress to power in the 1980s. There was a brief interlude between 1989 and 1990, when a Janata Dal-led coalition government assumed power, reiterating many of the promises of the Janata Party government in 1977–9. However, this coalition too was deeply factionalized as the Janata Party government earlier and did not succeed in putting its act of governance together. Its fame largely rested on accepting some of the recommendations of the Mandal Commission on backward classes that were favourable to the strengthening of an elite stratum within the middle and low castes. During this period the judiciary too had positioned itself to make significant encroachments into the space of the Parliament and the Executive through judicial activism.

The 1980s also saw the rise of Hindutva, an assertion of Hindu identity and a call to a form of nationalism based on this identity. It questioned many important aspects of the constitutional order of the day. Hindutva upheld the pre-eminence of Hindus in India, spread its tentacles widely across civil society, and was appropriately called the Sangh Parivar (Sangh Family) after the Rashtriya Swayamsevak Sangh (RSS), which was directing and controlling the spread of this phalanx of institutions. This development raised new questions on the role and place of the Parliament. The destruction of the Babri Masjid in 1992 was clearly an attempt to wrest initiative into the hands of the social forces that had emerged outside the representative character of the Parliament.[88] The cumulative impact of liberalization, reservations for backward classes, and spread of Hindutva was a reformulation of the social map of India that focused on political power but not necessarily on reform and transformation of institutions. But in the context of democracy this outreach to power inevitably drew attention to the state of public institutions as well. Besides, these threefold tendencies could not and did not monopolize the entire public space. There were numerous voices in the public domain that made their autonomous demands on public institutions and they simply could not be ignored. These developments provided a space for the Parliament, which even an ascendant Executive could not ignore. In this context, the Parliament became an active partner in shaping these developments and came to significantly qualify the ascendancy of the political Executive, and attempt by the Judiciary to position itself as the arbitrator of the grammar of public life in the country.

Observers of the Indian political scene termed the scenario at the end of the 1980s as 'governability crisis'. According to Kohli, certain specific political developments were at the root of this crisis. Given the absence of conflict-

resolving mechanisms, these changes led to an increase in political violence. He pictures the institutional decay accompanying this crisis as follows:

> The evidence for eroding political order is everywhere. Personal rule has replaced party rule at all levels … Below the rulers, the entrenched civil and police services have been politicised. Various groups have pressed new and ever more diverse political demands in demonstrations that have led to violence. The state, omnipresent but not consistent in its reactions, has led to further opposition.[89]

According to him, the factors responsible for this crisis were, 'the deinstitutionalising role of national and regional leaders, weak political institutions, "the undisciplined political competition", politicisation of "all types of social divisions, including caste, class and ethnic cleavages", and numerous strategies, including … violence [which] have been used to gain access to state resources'.[90]

One wonders whether the situation that we have outlined could be termed as a governability crisis. Obviously there were new and different demands on the system, and institutions were repositioning themselves in response which involved dislocations and relocations. Atul Kohli does not seriously explore the consequences of the emergence of new institutions at various levels of the polity and their nexus with their counterparts and at various levels of governance. There were alternative public institutions that arose such as the Women's Commission and new political parties sprang up. Sometimes parties split up to accommodate excluded social constituencies and at other times they coalesced to include and guard their flock. They brought the new voters within their fold. The Parliament became the site providing a 'room to manoeuvre' to all such experimentation.

What took place in the 1990s is a major overhauling of the representative and normative character of the Indian polity. Caste, community, and ethnic identities came to be a major presence in the public sphere during this decade. Some of the earlier protests, be it Adivasi or Dalit, came to be increasingly imagined now as expressions of identities rather than as exploitation or marginality. We find consolidation of Muslim identity across India partially shaped by the Rajiv Gandhi government's ordinance and subsequent Act,[91] against the Supreme Court directive on uniform civil code in the Shah Bano case and subsequently by the happenings in Ayodhya in 1991. The Bahujan Samaj Party (BSP), a Dalit-based party, which simply appealed to identity with little consideration on ideology, grew popular.[92] The political parties that appealed to regional identity, such as the Telugu Desam Party (TDP), consolidated themselves. Certain existing regional parties like the Shiv Sena relocated themselves into the identity axis.

The Parliament in the 1990s comprised numerous parties with little possibility of any one of them commanding a majority or a near majority on its

own. From 1996 many parties had to be roped in to constitute a majority. A number of these parties clearly rested on their appeal to identity. Several parties in the electoral arena that had a significant support base were able to help their candidates win even with a small proportion of votes cast.

The consolidation of identity concerns and the emergence of coalition governments in the 1990s went alongside the increased electoral turnout of many marginalized social groups such as Dalits, Adivasis, Muslims, and women. This process was already under way from the 1970s.[93] Interestingly, such electoral turnout fed the growth of political parties based on identities and did not necessarily reinforce the secular agenda.

CRITIQUE OF PARLIAMENTARY DEMOCRACY POST-1950

We can identify three stages in the development of a critique of Parliamentary democracy: in the 1950s, just prior to and during Emergency, and the 1980s. While the first highlighted the limitations of the working of Parliamentary democracy in India, in the next two moments several prominent party leaders and intellectuals were actively involved in suggesting an alternative to it.

In the 1950s there was no direct attack on Parliamentary democracy. Its limitations were highlighted by demonstrating its incompatibility with certain central values and institutions of the polity. The Supreme Court struck down an Act of the Madras Legislature granting reservation to backward classes as violating the provisions of equal rights[94] enshrined in the Constitution. Following this judgement, the Constitution was amended to make room for such reservations and to place certain Acts of the Parliament beyond the scrutiny of the Judiciary. Questions were raised concerning Parliamentary authority and whether the Parliament had the power to set aside equal rights of the citizens in the name of mitigating social inequalities.[95] Although the first amendment to the Constitution rejected the reasons that prompted this particular Supreme Court judgement, the judgement itself reiterated a widely shared value in the public domain of according equal rights to one and all. Parliament intervened to take into account diversity and disadvantage which called for a differential understanding of rights.[96] During the 1950s, in the name of the right to property, landlords organized themselves into distinct party formations, such as Ram Rajya Parishad (RRP), in order to thwart the demands for land reforms and abolition of zamindari that several states had initiated. Apart from clashes on equality considerations, there emerged apprehensions about the appropriateness of Parliamentary democracy for quick and effective action. There were conflicts too with regard to spheres of jurisdiction. In 1959 an elected government in Kerala was dismissed by invoking Article 356 on the plea of stability and constitutional break down.[97] Questions were raised regarding Parliamentary authority to set aside another authority given that the

source of their authority was the same.[98] Apart from these constitutional and policy issues, the contemporary public domain was full of views which decried universal franchise in a country rampant with illiteracy and poverty. These criticisms, however, were not unified to give rise to any sustained demand for the undermining of Parliamentary democracy and the Nehruvian regime did not provide much room for such speculation.

After Nehru's death a few people mooted the idea that the Presidential system may be more conducive than the Parliamentary. In 1965 R. Venkataraman, a Congress leader from Tamil Nadu, later to become the President, sent a resolution to the All India Congress Committee (AICC) recommending the constitution of a committee to examine the desirability of an Executive 'directly elected by the people for a fixed term of years.'[99] He felt that the dissidence and groupism prevalent in the Executive and Legislature could be combated through such a move. However, there was considerable opposition to such moves. Jayaprakash Narayan, for instance, thought that it would be highly detrimental to the rights of people. He said, '... temptation would be too great for a President if he were strong to usurp people's rights.'[100] The SOC and Communists too were not prepared to countenance a move in this direction.

The debate that unfolded in the wake of the Emergency formed the second stage of the trial for Parliamentary democracy. The protagonist of the move was B.K. Nehru, the then High Commissioner of India in London and a close confidant of Mrs Indira Gandhi. Initially considered as anonymous, in a document called 'A Fresh Look' brought out in 1975, he argued that 'the country's system of government has not come up to the expectations of the common man' and desired an arrangement for an unobstructed working of the Executive. It precipitated a major debate as some suspected that the move was inspired by the Prime Minister herself. Girilal Jain, the then Editor of *The Times of India,* rebutted the efficiency argument of Nehru with a populist–welfarist one, saying that the Presidential system might provide greater stability than the Parliamentary system, but the haves wanted stability more than the have-nots and therefore changing the system may not be conducive to alleviate the miseries of the poor. [101] Many Congressmen, such as D.K. Borooah, the then Congress President, A.R. Antulay, and Rajni Patel favoured the Presidential form on grounds of efficiency. They justified their preference on the plea that an elected head of government could exercise authority without vexatious pulls and pressures. Support came from prominent citizens such as N.A. Palkhivala and a committee was formed by the Congress Party headed by Sardar Swaran Singh with members such as Siddarth Shankar Ray, Rajni Patel, D.P. Singh, A.R. Antulay, Seyid Muhammad, and C.M. Stephen.[102] There is no strong evidence to suggest that Mrs Gandhi herself favoured the Presidential system; whenever she had to comment on the issue, she spoke in

favour of a system which could undermine the entrenched privilege of a few and repose power in the hands of the people. Eventually the Swaran Singh Committee did not favour a change and declared that the Parliamentary system is 'best suited for the country', repeating Ambedkar's argument that, 'it ensures greater responsiveness to the voice of the people'.[103] However, till the very end, members of the committee such as A.R. Antulay, Vasanth Sathe, and C.M. Stephen championed the Presidential system.[104]

With the withdrawal of Emergency and the calling of fresh elections, the tempo that was building up towards a radical overhaul of the Parliamentary system came to be reversed, and its centrality came to be reasserted particularly through the 44th Constitutional Amendment. After the return of Indira Gandhi to power following the general elections of 1980, there was again talk of switching over to the Presidential system,[105] but no one seriously pursued the idea. However, there was no dearth of officials and scholars who decried the inefficiency of Parliament as an institution and called for its revamping. B.K. Nehru, for instance, in his Rajaji Memorial lecture argued that legislators should have absolutely no privileges or perquisites; thus only those who are interested in legislation and policies will contest the elections.[106] Subhash C. Kashyap, the former Secretary General of the Lok Sabha, denounced the decline in the quality of the Parliament and state Legislatures and recommended several corrective measures.[107] Later, some of his arguments were to find a place in the report of the NCRWC of which he was a member.[108]

ALTERNATIVES TO THE PARLIAMENTARY SYSTEM

Three types of alternatives have been proposed in the last two decades for the reform of Parliament: the first calls for the replacement of Parliamentary democracy by a Presidential system; the second proposes a set of formal injunctions to regulate the Parliament: and the third calls for significant reforms in the institutions associated with Parliamentary democracy.

In the 1990s, even some official publications, as if inadvertently, referred to the demand for the Presidential system. A document of the Lok Sabha commemorating 50 years of Parliamentary democracy in India stated, 'based on the lessons of five decades of practice of democracy, a body of opinion has evolved in favour of replacing our parliamentary system with a presidential system of the American variety or even a presidential system combining the merits of the American, French and German experiences'.[109] Shashi Tharoor argued for a need to rethink the Parliamentary system favouring the first option. He feels that the Parliamentary system that India 'borrowed from the British' has become a recipe for governmental instability which India, with its critical economic and social challenges, cannot afford.[110] At the same time, he feels, 'Pluralist democracy is our greatest strength, but its current manner of

operation is the source of our major weaknesses.'[111] He asserts that the Parliamentary system has not only outlived its utility, it was from the start unsuited to Indian conditions and is primarily responsible for many of the principal political ills. According to him, 'Parliamentary system assumes a number of conditions which simply do not exist in India. It requires the existence of clearly defined political parties, each with a coherent set of policies and preferences that distinguish it from the next', while in India 'the principal parties, whether "national" or otherwise, are fuzzily vague about their beliefs: every party's "ideology" is one variant or another of centrist populism'.[112] Second, in a Parliamentary system the votes are not cast to select the head of the government but members of the legislature, suggesting an innate contradiction in the institution, 'an absurdity only the British could have devised'.[113] Given such incongruence and absence of a political culture conducive to Parliamentary democracy, he feels that 'India's democracy is condemned to be run by the lowest common denominator—hardly a recipe for decisive action'.[114] Linking most of the ailments of the political process to the Parliamentary system, he says cryptically, 'It is time for a change'.

Specifically, Tharoor levels the following charges against the Parliament:

> Our parliamentary system has created a unique breed of legislator, largely unqualified to legislate, who has sought election in order to wield (or influence) executive power. It has produced governments more skilled at politics than at policy or performance. It has distorted the voting preferences of an electorate that knows which individuals it wants but not necessarily which policies. It has permitted parties that are shifting alliances of individuals rather than vehicles of coherent sets of ideas. It has forced governments to concentrate not on governing but on staying in office, and obliged them to cater to the lowest common denominator of their coalitions.[115]

He thinks that politicians of all faiths across India 'have sought to mobilize voters by appealing to narrow identities; by seeking votes in the name of religion, caste and region.'[116] In this political process 'it has become more important to be a Muslim, a Bodo, or a Yadav than to be an Indian. Our politics have created discourses in which the clamour goes up for Assam for the Assamese, Jharkhand for the Jharkhandis, and Maharashtra for the Maharashtrians.'[117]

He roots for the French model although he is apprehensive that in the Indian context, given the 'parliamentary chaos', it may prove distracting to the 'elected president'. He thinks that the American and Latin American models could avoid such distractions. An elected President will not be vulnerable to shifting coalitional politics, will be able to appoint a cabinet of talents, and devote his energies to 'governance, and not just to government'. In turn, the Indian voter will decide who will rule. The fear of authoritarianism, he feels could be countervailed by directly elected chief executives in states. He rhetorically claims, 'A Presidential system will oblige candidates to renew the demand for an India for the Indians'.[118]

The argument for reinforcing the Parliament through a set of rules and regulations in the name of enhancing its efficiency has been made very consistently by Subhash Kashyap. According to him the Indian Parliament has miserably failed in its institutional functioning and fulfilling the responsibilities bestowed on it. Over the years the number of days the House has sat to transact legislative and other businesses have come down very significantly. Often unseemly incidents including intimidation of opponents have replaced serious debate and discussion. He points out that the moral authority of the Parliament had eroded enormously. It has failed in ensuring a representative, responsible, and responsive government to the people. He feels that the Anti-Defection Law has not succeeded in providing stable governments and hung houses have become the rule rather than the exception.

Kashyap's arguments favouring a stable government are strongly reflected in the *Report of the NCRWC* and are instructive. In his dissent note to the report of the Commission he argued for compulsory voting and 50 per cent plus one vote for a candidate to be elected. If in the first round no one got 50 per cent plus one vote, there should be a repeat of the contest the very next day or soon thereafter. Some of the other recommendations of the Commission had Kashyap's stamp on them: it suggested the 'amendment to the relevant Rules of Procedure to provide for the election of the Leader of the House (Prime Minister) by the Lok Sabha and for the removal of the Council of Ministers only on a constructive vote of no confidence'.[119] It called for strengthening of the committee system which meant in effect that a large part of the work of the Parliament would be handled by standing committees, particularly on issues dealing with, 'complex economic and social issues'.[120] It suggested that certain major prerogatives of the Parliament such as demand for grants of the ministries and departments, and legislative proposals of the government should be examined in these committees. Given such privileging of the committees, it called for a major overhaul of the committee system. The Commission felt that the ad-hocism that prevails in the existing committee system tells on the quality of work done by them and their reports hardly make a critical analysis of the work of the ministries under their supervision. It was apprehensive about the constitution amending capacity of the Parliament and sought the establishment of a Standing Constitution Committee which could help design and process the proposals. It called for a streamlining of the functions of the Parliamentary and Legal Affairs Committee of the Cabinet. It desired greater public scrutiny of the working of the Parliament by subjecting it to more exposure through the mass media. To offset the declining number of working days of the Parliament it suggested a minimum 100 days of sitting.[121] It suggested an orientation programme for new members and felt that the curriculum 'should include, among other things, adequate knowledge of the political system, the Constitution, the rules of procedure and

conduct of business, practices and precedents, mechanisms and modalities of working of the Houses and parliamentary committees, the rules of Parliamentary etiquette, and, what is even more important, the unwritten rules of Parliamentary conduct and speech'.[122] It found several privileges claimed by members as unwarranted and re-asserted the principle that they should have the same rights and privileges as ordinary citizens; it felt 'the only idea behind Parliamentary privileges is that members who represent the people are not in any way obstructed in the discharge of their Parliamentary duties and are able to express their views freely and fearlessly inside the Houses and Committees of Parliament without incurring any legal action on that account'.[123]

Some of these recommendations, reflecting a certain moralizing standpoint, would have circumscribed the role and functions of Parliament greatly although there are good reasons to heed others. Most of these suggestions are formal, tuned to the literature on administrative efficiency and do not take seriously the demands of democracy and the changing context of the working of the Parliament in India. There is much in common between Tharoor and Kashyap, who start from the premise of a conception of efficiency, which remains undefined, and think the kind of system they propose will be able to bring it about. Both of them endorse stability as if it does not require further validation. While Tharoor upholds the value of pluralism, his suggestions have little place for it, particularly the small minorities who will remain permanently outside the domain of representation. Both these alternatives do not foreground democracy except in a procedural sense.

There have been a number of attempts to reform the institutional complex of Parliament in recent years. The Anti-Defection Law, enacted in 1985, sought to ban defections of elected MPs and state Legislatures from one party to another, and empowered the Speaker of the House to arbitrate on this issue. One of the major defects of this law was that it made room for group defections if a certain proportion of members decided to do so from one party to another. The 2003 amendment to this Act makes even group defections of less than two-thirds of the members of a party in the House unlawful and the defected members have to seek a re-election. Even this is not a foolproof arrangement to ensure that an elected member continues with the party under whose banner he or she got elected. Under coalition governments with precarious majorities of one or two members even this amendment does not meet the demand of ensuring stable governments.

In the 1990s the debate in India appreciably shifted from the Parliament and its reforms to elections and electoral reforms. Such a shift, however, was not devoid of a major bearing on the Parliament. This debate occurred in a context where the possibility of any political party securing a majority in the Parliament had become dim and coalition governments had become

increasingly a rule rather than an exception. The debate on elections covered a vast range of issues; while some sought to strengthen Parliamentary democracy, others did not necessarily seek such an end.

The reforms that have been suggested could broadly be categorized as follows:

1. Procedural Reforms: These reforms focused on candidates standing for elections, sought to eliminate pretenders, and attempted to weed out people with criminal records from the electoral contest. Every candidate who wanted to contest elections was made to submit an account of his/her own and spouse's assets and liabilities. The electoral campaign period was shortened and election expenditure was closely monitored.

2. Electoral Malpractices: The Election Commission has come to play a major role in limiting and eliminating electoral malpractices including 'booth capture' and 'bogus' voting. Many of these measures are concerned with the enforcement of law and order and disciplinary measures. Holding elections in phases rather than at one go, stringent monitoring of campaigns and election expenditure, measures to ensure voter identity, introduction of voting machines, strict codes on the kinds of official machinery that can be employed and a ban on making use of official patronage.

3. Party Reforms: These reforms have mainly to do with the organizational and institutional functioning of political parties and party funds. Most of these recommendations have evolved through consultation with political parties.

4. Mode of Election: India has followed the first past the post system (FPPS), where a candidate securing the highest number of votes in a double or multi-pronged contest is declared the winner. But given the existence of several parties and candidates in the fray, often the victorious candidate may secure votes much below the majority of the votes cast. Various alternatives have been proposed to the FPPS. One of the most important among them is a second vote where if a member does not secure an absolute majority of votes cast there would be second ballot involving top candidates to secure a majority. An alternative version of the same is proposed in cases where a candidate does not secure a majority in the first round, by counting second order of preferences till a candidate secures an absolute majority. In this regard there have been suggestions to employ models which are popular in continental Europe with multi-party systems. One of the most important among them is to assign a certain number of seats to acknowledged political parties and the others to be secured through direct elections. A party nominates its candidates for the former seats as per the proportion of votes it secures.[124] Various other measures to eliminate the vagaries of the FPPS have been suggested such as the List System in which parties declared their lists of candidates; a voter voted

for parties and not for individual candidates and each party was expected to send candidates to Parliament in proportion to the share in votes cast.[125]

5. Criminal Background of Candidates: A major issue that has raised apprehension, particularly in recent years, is criminals getting elected to the Parliament not merely by employing the 'Robin Hood' image but by terrorizing voters. It is felt that *The Representation of the People Act, 1951*, is not adequately equipped to eliminate criminals from seeking elections and even getting elected. One of the suggestions offered in this regard is that 'from the moment charges are framed by a court against a person—whether he is a sitting member or not—he should cease to be a member and be disqualified from contesting an election till he has been cleared of the charges', although such charges should be framed by a High Court to ward off opponents who may falsely implicate a candidate or member.[126] It has also been suggested that it is important to make list of offences, crimes and charges more comprehensively. The *RNCRWC* suggested that a political party that nominates a person with criminal antecedents as its candidate should be de-recognized forthwith. The problem with most of these suggestions is the possibility of the innocent being tried as guilty in the process. Given the stakes involved in electoral outcomes it is quite possible that an innocent candidate might be eliminated from the hustings through false charges. It is also easier to ride piggyback on others culpability.

* * *

Consensus in the Constituent Assembly favoured the Parliamentary system in India, although it was deeply contested initially both in Britain and in the early nationalist movement. A complex set of institutions and a public culture came to be constructed around this idea in India and over a period acquired a life of its own. There are several flaws in these institutions and the political culture of Parliamentary democracy has thrown up new challenges. It is also important to note that the development of political parties and the electoral system have been intimately bound with Parliamentary democracy in India. The Parliamentary system which was largely a one-party system in the 1950s has also gone through a sea change over time. The kind of relative homogeneity of values and political culture around which Parliamentary institutions came to be nourished in the 1950s gave way to assertions of deep diversity and alternative visions of public life in the 1990s. It has led to the Parliament becoming a site of plural voices and deep diversities. In turn, the Parliament has come to define political life in India across a whole range of issues. Other public institutions have to factor in the stand of the Parliament, actual or potential, in their functioning. As yet there does not seem to be a decisive argument for the replacement of Parliamentary institutions with a wholly new set of institutions. There are, however, several challenges that the

Parliament has to confront squarely but they have to be seen in the context of its ongoing life.

NOTES

1. W.H. Morris-Jones, *Parliament in India* (London: Longmans, Green and Co., 1957), pp. 73–4.
2. Reginald Coupland, *The Indian Problem, Vol. II: 1833–1935* (London: Oxford University Press, 1944), p. 54.
3. Ibid., p. 26.
4. Morris-Jones, *Parliament in India*, p. 75.
5. This argument is sometimes reflected in certain stances that Ambedkar took, although he was one of the first to resolutely argue for representative and democratic institutions, seeing in them the capacity to respond to the cleavages and the contradictions in which they are implicated. See B.R. Ambedkar, 'What Congress and Gandhi Have Done to the Untouchables', in Vasant Moon (ed.), *Dr Babasaheb Ambedkar: Writings and Speeches (BAWS), Vol. 9* (Bombay: Government of Maharashtra, Department of Education, 1991).
6. For a critical appraisal of the reasons and limitations of this Report, see Sumit Sarkar, *Modern India 1885–1947* (New Delhi: Macmillan, 1983), pp. 165–8.
7. *Report of the Indian Statutory Commission*, vol. 1, p. 15.
8. *Report of the Indian Statutory Commission*, vol. 2, p. 146.
9. Quoted in Morris-Jones, *Parliament in India*, p. 78.
10. For this quote, see Coupland, *The Indian Problem*, Appendix II.
11. Morris-Jones refers to several academic articles published in the Indian Journal of Political Science in the year following the failure of the Cripps Mission in 1942, which suggest a different set of public institutions for India other than the British. The scholars included E. Ashirvatham, N.S. Pardasani, V.S. Ram, L.P. Choudhoury, V.K.N. Menon and others. D.G. Karve in the same journal (October–December 1942) urged the development of powerful Parliamentary committees as a way of reassuring minorities. Morris-Jones, *Parliament in India*, p. 80.
12. The larger passage in the text is as follows:

'Reader: Then from your statement I deduce that the Government of England is not desirable and not worth copying by us.

Editor: Your opinion is justified. The condition of England at present is pitiable. I pray to God that India may never be in that plight. That which you consider to be the Mother of Parliaments is like a sterile woman and a prostitute. Both these are harsh terms, but exactly fit the case. That Parliament has not yet of its own accord done a single good thing, hence I have compared it to a sterile woman. The natural condition of that Parliament is such that, without outside pressure, it can do nothing. It is like a prostitute because it is under the control of ministers who change from time to time. Today it is under Mr Asquith, tomorrow it may be under Mr Balfour.' See M.K. Gandhi, *Hind Swaraj*, in Anthony Parel (ed.), *Hind Swaraj and other Writings* (Cambridge: Cambridge University Press, 1997), p. 30.

Gandhi was criticized by one of his English friends for using the term 'prostitute' and he regretted using the term. This was the only word, he said, that he was prepared to drop from *Hind Swaraj*; see M.K. Gandhi, *The Collected Works of Mahatma Gandhi*, 100 vols (New Delhi, Government of India [GoI], Publications Division, 1958–94) vol. 15, p. 330. This disparaging reading of the Parliament by Gandhi cannot be held as conclusive. In 1920, he said that what he wanted for India was a 'parliament chosen by the people with

the fullest power over finance, police, the military, the navy, the courts and the educational institutions' (*Collected Works*, vol. 19, p. 80) and in 1921 he wanted readers of *Hind Swaraj* to strive for the attainment of Parliamentary swaraj (ibid., pp. 277–8).

13. See Keralaputra, *The Working of Diarchy in India* (Bombay: D.B. Taraporevala Sons & Co., 1928), pp. 111–16.

14. See M.V. Pylee, *Constitutional Government in India* (New Delhi: Chand [S.] & Co. Ltd, 2004).

15. For one such experiment in Mysore, see James Manor, *Political Change in an Indian State: Mysore, 1917–1955* (Columbia: South Asian Books, 1977).

16. For the Justice Party and its interventions in this regard, see, V. Geetha and S.V. Rajadurai, *Towards a Non-Brahmin Millennium: From Iyothi Thass to Periyar* (Calcutta: Samya, 1998), pp. 168–216.

17. See A.R. Desai, *Social Background of Indian Nationalism* (Bombay: Oxford University Press, 1948).

18. Recently Pratap Bhanu Mehta has advanced a persuasive argument for the complementarity between Hinduism—as a diversified system of beliefs and practices—and democracy in India. See, 'The Quest for Hinduism', in V.R. Mehta and Thomas Pantham (eds), *Political Ideas in Modern India: Thematic Explorations* (New Delhi: Sage, 2006), pp. 155–66.

19. Bhikhu Parekh has argued that for Nehru, Parliamentary democracy was an important 'national goal'. He was convinced that a diverse, vast, and divided country could not be held together and governed in any other way. According to Parekh, 'Nehru was unsympathetic to the Gandhian idea of a loosely structured polity on the grounds that it fragmented the country, hindered national unity, and exposed India to the dangers that had rendered it vulnerable to foreign invasions in the past. He preferred a federal polity with a strong centre and administratively autonomous states. Parliament was to be the central arena of political life providing an over-arching link between different linguistic and religious, racial, ethnic, and other groups. Within each state the legislative assembly was to play a similar unifying role.' Bhikhu Parekh, 'Nehru and the National Philosophy of India', *Economic and Political Weekly*, 5–12 January 1991, p. 36.

20. Communist attitude towards Parliamentary and Legislative bodies in India prior to independence was largely shaped by certain writings: Karl Marx, *Revolutions of 1848* (Harmondsworth: Penguin, 1973) and *The Eighteenth Brumaire of Louis Bonaparte* (Moscow: Progress Publishers, 1973) and Lenin's ideas on the Duma, Constituent Assembly, and the Soviets. For Lenin, see Neil Harding, *Lenin's Political Thought, 2 Vols* (London: Macmillan 1977) and V.I. Lenin, *State and Revolution* (Moscow: Progress Publishers [1917], 1973).

21. See, B.R. Ambedkar, 'What Congress and Gandhi have Done to the Untouchables', in Vasant Moon (ed.), *Dr Babasaheb Ambedkar: Writings and Speeches (BAWS), Vol. 9* (Bombay: Government of Maharashtra, Department of Education, 1991).

22. Morris-Jones says, 'only a small proportion of the hundred and sixty five days spent during 1946–49 on constitution making were devoted to the argument on Parliamentary government as such' (*Parliament in India*, p. 81, n. 4).

23. *CAD*, Vol. IV, p. 640.

24. Morris-Jones, *Parliament in India*, pp. 81–2.

25. For an account of the impact that these changes had on political mobilization of social constituencies see, David Washbrook, *The Emergence of Provincial Politics: Madras Presidency (1870–1920)* (New Delhi: Vikas, 1976).

26. *CAD*, Vol. I, pp. 3–4.

27. Ibid., p. 62.
28. *CAD*, Vol. IV, pp. 579–80.
29. *CAD*, Vol. VII, p. 249.
30. *CAD*, Vol. VII, p. 373.
31. *CAD*, Vol. VI, Book 1, p. 858.
32. Ibid., p. 961.
33. Ambedkar, prior to the constitution of the Constituent Assembly, put forward a similar kind of argument buttressing it with strong guarantees for the minorities built into the Constitution. B.R. Ambedkar, 'States and Minorities', in Vasant Moon (ed.), *Dr Babasaheb Ambedkar: Writings and Speeches (BAWS), Vol. 1* (Bombay: Government of Maharashtra, Department of Education, 1979), pp. 391–450.
34. See Abdul Kalam Azad, *India Wins Freedom* (Calcutta: Orient Longmans Co., 1959).
35. *CAD*, Vol. IV, p. 629.
36. Ibid.
37. Ibid., p. 908. Karimuddin was obviously referring to the Fourth Republic which came to be superseded by the Fifth Republic in 1959, precisely for reasons enumerated by him. It is interesting that the recent advocacy of the Presidential type of regime is for the very same reasons that Karimuddin highlighted. A modified version of such an argument is advanced by Arun Shourie in *The Parliamentary System: What We have Made of it What We can Make of it* (New Delhi: Rupa & Co., 2007), pp. 84–111.
38. *CAD*, Vol. VI, Book 1, p. 862.
39. Ibid., p. 984.
40. Ibid., p. 651.
41. Ibid., p. 635.
42. Ibid., p. 915.
43. Ibid., p. 647.
44. Separate electorate came to be a prominent feature of constitutional developments in India from 1909. Under the system, different communities, interests, and even castes elected their own representatives to the Legislatures, roughly in tune with what was considered as the 'weightage' of the concerned populations. See M.V. Pylee, *Constitutional Government in India* (Bombay: Asia, 1977).
45. *CAD*, Vol. V, p. 267.
46. Ibid., p. 297.
47. See Shriman Narayan Agarwal, *Gandhian Constitution for Free India* (Allahabad: Kitabistan, 1946); K.G. Mashruwala, *Some Particular Suggestions for the Constitution of Free India* (Bombay: Hamara Hindustan Pub., 1946).
48. *CAD*, Vol. VII, pp. 32–9.
49. Ibid., p. 242.
50. *CAD*, Vol. XII, pp. 613–16.
51. Ibid., pp. 639–42.
52. Ibid., pp. 972–81.
53. Javeed Alam, Who Wants Democracy? (New Delhi: Orient Longman, 2004), p. 12.
54. The Congress for long had argued the case for a Constituent Assembly based on adult suffrage. The Cabinet Mission Plan, however, succeeded in convincing the Congress that the Constituent Assembly be elected by Provincial Assemblies. See Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (New Delhi: Oxford University Press, 1966) p. 5.

55. Morris-Jones, *Parliament in India*, p. 93.

56. Many critics of the FPPS feel that it has been instrumental in political fragmentation in India and helped sustain sectional loyalties. There are other systems that have been suggested in its place, some of which have been partially operational in India in the elections of the President or of a member of the Rajya Sabha.

57. *CAD*, Vol. XI, p. 989.

58. The 91st Constitutional Amendment Bill, which became the 84th Amendment, 2002, extended the freeze on Lok Sabha and state Assembly seats till 2026.

59. A partisan drawing of constituency boundaries to favour a party or interest. The term was coined in the 1820s after Governor Elbridge Gerry of Massachusetts drew a constituency specially designed to secure the victory of a supporter. In recent literature on representation, the term is not necessarily negative; see Melissa Williams, *Voice, Trust and Memory* (Princeton: Princeton University Press, 1998), p. 70ff.

60. One of the two following criteria was mandated for the purpose: i) The existence and participation of a political party in political activity for a period of five years; ii) Its securing at least 4 per cent of the votes cast in the state for Lok Sabha or Vidhan Sabha elections (after excluding the votes cast for candidates who forfeited their deposits).

61. There were deep apprehensions about the possibility of holding free and fair elections in India in early 1950s. It was not merely on account of the scale and difficulty of access in a deeply underdeveloped setting but also political awareness, widespread disparities and level of literacy of the electorate. See, Morris-Jones, *Parliament in India*, pp. 296–7.

62. Much of this data is available with Centre for the Study of Developing Societies (CSDS), Delhi.

63. In April 1999 the All India Anna Dravida Munnetra Kazhagam (AIADMK) withdrew support to the NDA government which resulted in its defeat in the Lok Sabha by a single vote.

64. This decline in the vote-share is not solely on account of the less number of seats the party contested in 1999. See Paranjoy Guha Thakurta and Shankar Raghuraman, *A Time of Coalitions: Divided We Stand* (New Delhi: Sage, 2004), p. 44.

65. Arora, 'The Indian Parliament and Democracy', p. 18.

66. For the debate that came up in India following the rise of identitarian politics, see Rajeev Bhargava (ed.), *Secularism and its Critics* (New Delhi: Oxford University Press, 1998).

67. See D.L. Sheth (ed.), *Citizens and Parties: Aspects of Competitive Politics in India* (New Delhi: Allied, 1975); Bashiruddeen Ahmed and Samuel Eldersveld, *Citizens and Politics: Mass Political Behavior in India* (Chicago: University of Chicago Press, 1977); V.B. Singh and Subrata K. Mitra, *Democracy and Social Change in India: A Cross-Sectional Analysis of the National Electorate* (New Delhi: Sage, 1999).

68. See E. Sridharan, *Coalition Politics in India: Lessons from Theory, Comparison and Recent History* (New Delhi: Centre for Policy Research, 1977) and Balveer Arora, 'Negotiating Differences: Federal Coalitions and National Cohesion', in Francine R. Frankel, Zoya Hasan, Rajeev Bhargava, and Balveer Arora (eds), *Transforming India: Social and Political Dynamics of Democracy* (New Delhi: Oxford University Press, 2000).

69. See, for instance, Yogendra Yadav, 'The Elusive Mandate of 2004', *Economic and Political Weekly*, vol. XXXIX, no. 51, 18–24 December 2004, pp. 5383–98 and Bidyut Chakravarty, *Forging Power, Coalition Politics in India* (New Delhi: Oxford University Press, 2006).

70. Rajni Kothari, 'The Congress System in India', *Asian Survey*, vol. 4, no. 12, December 1964, pp. 1161–73.

71. D.L. Sheth, 'The Crisis of Political Authority', in Rajendra Vora and Suhas Palshikar (eds), *Indian Democracy: Meanings and Practices* (New Delhi: Sage, 2004), pp. 65–6.

72. Ibid., p. 65.

73. Sheth, 'The Crisis of Political Authority', pp. 65–6.

74. Ibid., p. 62. Others have suggested that in spite of the rhetoric of democracy and social reform, 'Nehru rejected Jacobin notions of popular sovereignty, based on the expressed will of the current generation, in favour of the idea of an abstract, historically durable "people" or "nation", a conception of indirect sovereignty that was not shared by future generation of leaders and parliamentarians' (Sunil Khilnani, *The Idea of India*, New Delhi: Penguin, 1998, p. 41). Also see the concept of passive revolution proposed by Partha Chatterjee to denote this process in *Nationalist Thought and the Colonial World: A Derivative Discourse?* (New Delhi: Oxford University Press, 1986), pp. 131–66.

75. See Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience* (New Delhi: Oxford University Press, 1999), pp. 11–169 and Marc Galanter, *Competing Equalities: Law and Backward Classes in India* (Berkeley and California: University of California Press, 1985).

76. For the process that led to the transformation of the Communist movement in the wake of independence see Sanjay Seth, *Marxist Theory and Nationalist Politics: The Case of Colonial India* (New Delhi: Sage, 1995) and K.S. Subramanian, *Parliamentary Communism: Crisis in the Indian Communist Movement* (New Delhi: Ajanta, 1989).

77. See Paul R. Brass, *The Politics of India Since Independence* (Cambridge: Cambridge University Press, 1990).

78. See Paul Brass, 'The Politicization of the Peasantry in a North Indian State: I & II', *Journal of Peasant Studies*, vols 7 and 8, nos 4 and 1, July 1980 and October 1980, pp. 395–426 and pp. 3–36.

79. In this regard the argument advanced by Aditya Nigam and Nivedita Menon that identity assertions are primarily a post-1989 phenomenon seems far from the ground realities in India. For the argument, see Nivedita Menon and Aditya Nigam, *Power and Contestation: India Since 1989* (New Delhi: Orient Longman, 2007).

80. See Sumanta Banerjee, *In the Wake of Naxalbari: A History of the Naxalite Movement in India* (New Delhi and Calcutta: Subarnarekha, 1980).

81. For the early phase of the Shiv Sena, see Dipankar Gupta, 'Nativism', in *Metropolis* (New Delhi: Manohar, 1982). For a wider discussion of the phenomenon of 'sons of the soil', see Myron Weiner, *Sons of the Soil: Migration, Ethnicity and Nativism in India* (Boston: MIT Press, 1975).

82. See Christophe Jaffrelot, *The Hindu Nationalist Movement and Indian Politics: 1925 to the 1990s* (New Delhi: Penguin, 1993).

83. See Ghanshyam Shah, 'Caste, Class and Reservation', *Economic and Political Weekly*, vol. 20, no. 3, 19 January 1985, pp. 132–6.

84. One of them was definitely the Planning Commission which was largely kept outside the purview of the Parliament. See Partha Chatterjee, *Nation and its Fragments: Colonial and Post-Colonial World* (New Delhi: Oxford University Press, 1994). See especially chapter 10, pp. 200–19.

85. See Rajni Kothari, *State Against Democracy* (New Delhi: Ajanta, 1988); Kuldip Nayyar, *The Judgement* (New Delhi: Vikas, 1977).

86. For basic readings on the issue, see Chapter 6 of this volume.

87. See Nayyar, *The Judgement; Shaw Commission of Enquiry, Third and Final Report* (New Delhi: GoI, Controller of Publications, August 1978); Arun Shourie, *Symptoms of Fascism* (New Delhi: Vikas, 1978). Eventually the 44th amendment to the Constitution attempted to put some of these relations on track again.

88. On this issue, see Madhav Godbole, *Unfinished Innings* (New Delhi: Orient Longman, 1996), p. 361ff.

89. Atul Kohli, *Democracy and Discontent: India's Growing Crisis of Governability* (Cambridge: Cambridge University Press, 1991), p. 3.

90. Ibid., p. 385.

91. The Muslim Women (Protection of Rights on Divorce) Act, 1986 was enacted whereby a Muslim woman was taken out of the purview of Section 125 of the Code of Criminal Procedure that stipulated maintenance to wife, including following divorce.

92. For an account of the electoral growth of the Bahujan Samaj Party (BSP) in the 1990s, see Pushpendra, 'Dalit Assertions Through Electoral Politics', in Ghanshyam Shah (ed.), *Dalit Identity and Politics* (New Delhi: Sage, 2001), pp. 311–39.

93. See Alam, *Who Wants Democracy*?

94. See *State of Madras v. Champakam Doraiarajan* (1951) SCR 525.

95. On this issue, see Galanter, Competing Equalities.

96. Ibid.

97. See T.J. Nossiter, *Marxist State Governments in India, Politics, Economics and Society* (London and New York: Pinter, 1988).

98. Interestingly this argument became very prominent in the Bommai Judgement in 1989. For further details of this judgement refer to Chapter 6 of this book.

99. Austin, *Working a Democratic Constitution*, p. 353.

100. A.G. Noorani, *The Presidential System: The Indian Debate* (New Delhi: Sage, 1989), p. 14.

101. Austin, *Working a Democratic Constitution*, p. 351.

102. Ibid.

103. For details, see Proposed Amendments to the Constitution of India by the Committee Appointed by the Congress President D.K. Borooah on 26 February 1976 (Swaran Singh Committee Report; New Delhi: AICC, 14 August 1976).

104. For details, see Austin, *Working a Democratic Constitution*, chapter 16, pp. 348–69.

105. See Granville Austin, 'The Supreme Court and Custody of the Constitution', in B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible: Essays in Honour of Supreme Court of India* (New Delhi: Oxford University Press, 2000), p. 11.

106. B.K. Nehru, 'A Proposal for Constitutional Reform', in *Thoughts on our Present Discontents* (New Delhi: Allied, 1986), pp. 73–85.

107. See Kashyap's note attached to the *Report of the National Commission to Review the Working of the Constitution* (*RNCRWC*), vols 1 and 2 (New Delhi: Universal Law Publishing Co. Pvt. Ltd, 2002), pp. 257–66.

108. Ibid.

109. Lok Sabha Secretariat, *Fifty Years of Indian Parliamentary Democracy* (New Delhi: Lok Sabha Secretariat, 1997, p. 15.

110. Shashi Tharoor, 'It's Time to Rethink Parliamentary System', *The Times of India*, 16 December 2007, p. 26.

111. Ibid.

112. Tharoor, 'Time to Rethink'.

113. Ibid.

114. Ibid.

115. Shashi Tharoor, 'India Should Switch to Presidential System', *The Times of India*, 23 December 2007, p. 26.

116. Ibid.

117. Tharoor, 'India Should Switch'.
118. Ibid.
119. *RNCRWC*, p. 106.
120. Ibid.
121. Ibid., p. 110.
122. Ibid., p. 111.
123. Ibid., p. 112.
124. See, Enid Lakeman, *Power to Elect: The Case for Proportional Representation* (London: Heinemann, 1982).
125. See L.P. Singh, *Electoral Reform* (Delhi: Uppal, 1986).
126. Shourie, *Symptoms of Fascism*, p. 101.

2 Changing Social Composition of the Lok Sabha

THE ANTI-COLONIAL MOVEMENT had attracted people from diverse social segments, from an articulate section of Western educated men and women hailing from 'noble' and prestigious backgrounds as well as significant sections of the masses. Over the post-independence decades, there was a re-articulation of this relationship as democracy began to engage the complex but deeply diverse social tapestry of the land.

The 'decline thesis' speaks about the lowering of the standards of the Parliament without any reference to its changing social profile. This chapter explores the changes in the social composition of the Parliament from the 1950s to the 1990s, with the 1970s as the transition zone. This changing social composition had its inevitable impact on the functioning and reorientation of the Parliament in important respects impacting its representative character greatly. Methodologically, we will provide proof for the changing social composition of the Lok Sabha by looking into factors such as age, religion, caste/community, educational levels, urban/rural background, profession and occupation of members on the one hand, and consider such factors as their income and relationship to civic and national institutions on the other, to the extent that information on these factors is available.[1] We have been alert to the multiple and overlapping identities of the members and taken them into account as far as possible. There is no appreciable change in the gender composition of the Lok Sabha over the years. To the extent that gender affects the central concerns of this study, the same has been noted in the relevant sections. To explore the social composition of the Lok Sabha in the 1950s, we have taken into account those elected in 1952 and 1957; for the 1970s, the Lok Sabhas elected in 1971 and 1977; and for the Lok Sabhas in the 1990s and beyond, those elected in 1991, 1996, 1998, 1999, and 2004. However, where processes and tendencies

strongly bond a Lok Sabha with the preceding or succeeding ones, the same have been taken into account to highlight changes. This is particularly so with regard to caste and religion.

PRIVILEGING THE NATION AND THE CENTRE: PARLIAMENTS OF 1951 AND 1957

Educational Qualifications of the Members of the Lok Sabha, 1952–7

Table 2.1 provides a bird's eye view of the educational attainments of the members of the Lok Sabha from 1952 to 2004.[2] It also gives us a glimpse of the shifts that took place with regard to the educational qualifications of the members during this period.

We find that a majority of the Parliamentarians of 1952 and 1957, irrespective of the political parties they belonged to, had a very strong link with the national movement. During this period, the literacy ratio of the country was 18 per cent (1951) which rose to 34 per cent in 1971. Rural literacy in 1951 was 5 per cent and urban was 40 per cent. Relative to these literacy levels, a large number of Parliamentarians were educated in English and had advanced qualifications from prestigious universities and institutions in India (a major centre of learning need not have necessarily been a metropolitan one) and abroad. So, 55 per cent of the members of the first Lok Sabha were graduates and postgraduates, although in the second Lok Sabha this proportion declined slightly to 53.5 per cent. Most of the members of the first Lok Sabha who held more advanced degrees hailed from liberal-educational and not professional or technical backgrounds. Members from the latter were few and far between and invariably had gained their most advanced qualifications from abroad. Professionally, a large number of them belonged to the legal fraternity (see Table 2.2).

Overall, the educational endowments of the members of the first Lok Sabha show a definite predilection towards urban, urbane, and Western education. An interesting factor is that Oxford and Cambridge, which played such an important role in constituting colonial rule in India, did not produce many members of the first Lok Sabha.

The institutions of education of the members of the first Lok Sabha demonstrate that a majority of them could speak fluent English. Even many among those who were not matriculate had studied in English medium schools. However, there were a few exceptions: Shri Sunkam Achalu of Peoples' Democratic Front elected from Nalgonda (Hyderabad state), who was a Scheduled Caste (SC), claimed that he had private education, which literally meant self-education. Some had little or no education and the former were from relatively lesser-known schools. Many SC members of the first Lok Sabha had fairly advanced qualifications, almost at par with members from more privileged

Table 2.1 Educational Qualifications of the Members of the Lok Sabha, 1952–2004

Education	*1st LS*		*2nd LS*		*3rd LS*		*4th LS*		*5th LS*		*6th LS*		*7th LS*	
	No.	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*
Under-Matriculation	112	23.48	120	25.48	141	28.77	54	11.81	119	23.15	52	9.8	53	10.03
Matriculation/Higher Secondary or Intermediate certificate holders	88	18.44	90	19.1	87	17.75	101	22.11	82	15.95	132	24.9	118	22.35
Vocational Courses	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Graduates and equivalent	177	37.1	160	33.97	157	32.04	172	37.63	178	34.63	205	38.7	213	40.34
Postgraduate (including technical qualification)	85	17.62	92	19.53	98	20	113	24.73	127	24.7	132	24.9	136	25.76
Doctoral degrees/other equivalent qualification	15	3.16	9	1.92	7	1.44	17	3.72	8	1.57	9	1.7	8	1.52
Total number of members who supplied information	477		471		490		457		514		530		528	
Total number of seats	499		500		503		523		521					

Education	*8th LS*		*9th LS*		*10th LS*		*11th LS*		*12th LS*		*13th LS*		*14th LS*	
	No.	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*
Under-Matriculation	42	7.9	10	2.09	18	3.57	15	2.9	12	2.26	15	2.81	22	4
Matriculation/Higher Secondary or Intermediate certificate holders	112	21	94	19.66	101	20.04	102	19.73	107	20.23	90	16.9	86	15.64
Vocational Courses	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	11	2
Graduates and equivalent	238	44.7	233	48.75	220	43.65	222	42.94	237	44.8	256	48.03	249	45.26
Postgraduate (including technical qualification)	131	24.6	124	25.94	145	28.77	149	28.82	149	28.17	145	27.2	156	28.4
Doctoral degrees/other equivalent qualification	10	1.87	17	3.56	20	3.97	29	5.61	24	4.54	27	5.06	26	4.7
Total number of members who supplied information	533		478		504		517		529		533		550	

Sources: G.C. Malhotra, *The Changing Profile of Lok Sabha: A Socio-Economic Study of Members (1952–2002)* (New Delhi: Lok Sabha Secretariat, 2003), p. 10; and *Who's Who of the Fourteenth Lok Sabha* (New Delhi: Lok Sabha Secretariat, 2005).

Table 2.2 Occupational Background of the Members of the First and Second Lok Sabhas

Prior Occupation	*First Lok Sabha*		*Second Lok Sabha*	
	Number	*%*	*Number*	*%*
Agriculturalists/horticulturalist	97	22.45	141	29.01
Civil, police and military service	16	3.7	19	3.91
Former rulers	5	1.16	7	1.44
Journalists/writers	45	10.42	50	10.29
Lawyers	153	35.42	147	30.25
Medical practitioners	21	4.86	17	3.5
Teachers and educationists	43	9.95	55	11.31
Traders and industrialists	52	12.04	50	10.29
Total number of members who supplied information	432		486	
Total number of seats	499		500	

Sources: G.C. Malhotra (ed.), *50 Years of Indian Parliament* (New Delhi: Lok Sabha Secretariat, 2002), pp. 116–19; and *Who's Who of the Fourteenth Lok Sabha*.

Note: The other categories that we have considered are artists, business leaders, chartered accountants, cooperative leaders, diplomats, economists, engineers and technologists, former judges, industrial workers/trade unionists, management consultants, pilots, political and social workers, religious missionaries, scientists, sportspersons, and veterinarians. While a few members of the first two Lok Sabhas could be included in these two categories, such occupational markers came to be a pronounced feature in self-classification in later decades.

communities, although none of them had received any foreign education. Several Scheduled Tribe (ST) members, however, had very little education or none at all. Those who were educated, however, had attended well-known educational institutions in contrast to the SCs. Representatives of STs primarily hailing from Orissa, parts of West Bengal, Bihar, Madhya Pradesh, and Gujarat, however, were not very educated.[3] Not only was there a marked difference in the exposure to education between the representatives of the SCs and the STs, but their levels and quality of education also differed. Further, there was greater unevenness in the educational achievements of ST representatives compared to SC representatives. Therefore, ST members in the Lok Sabha did not organize themselves as a cohesive group to the extent that the SCs did. The reserved seats in the first Lok Sabha had a strong correlation with lower education, often from relatively unknown educational institutions.

Educational Accomplishments of the Members of the Lok Sabha, 1957–62

There was a perceptible decline in the number of members who were educated in the major centres of learning in the West in the second Lok Sabha particularly with regard to higher qualifications, such as doctorates, although a few

of the highly qualified in the first Lok Sabha got re-elected to the second—Dr Panjabrao Deshmukh, Dr B.V. Keskar, Dr C.D. Pande, Dr Ram Subhag Singh, and Dr Syed Mahmud to name a few. Only a few additional names with a doctorate from abroad are found in the second Lok Sabha such as Dr K.B. Menon from Badagara (educated in the University of California, Berkeley.). There was also a noticeable decline in the number of members with higher qualifications, although there were still a significant proportion of members with qualifications from abroad. Continental European impact, particularly of Germany, declined conspicuously as did European liberal education in general. A few names, educated in South Asian cities other than India, such as Dhaka and Lahore, reappeared. The proportion of members with professional and technical qualifications did not register any significant increase although illustrious names such as Dr Sushila Nayar, M.K. Gandhi's close associate, Dr D.S. Raju (an alumnus of Guy's Hospital, London and Chest Clinic, Vienna) reappeared. There were hardly any engineering graduates and the number of representatives called to the Bar from London, which was so prominent a facet of the first Lok Sabha, declined. Certain major centres of learning such as Aligarh, Calcutta, Allahabad, Trivandrum, Madras, Lucknow, Bombay, Benaras, Osmania (Hyderabad), Nagpur, and Agra continued to remain in the limelight. But educational institutions in general came to be highly diversified—those in Meerut, Jaipur, Bangalore, Vijayawada, and Ajmer made their presence felt. There was a precipitous decline in the significance of Patna. The overall trend was a widening educational institutional base from which members of the Lok Sabha hailed, and their being rooted in the Indian context. Having studied abroad or in one of the prestigious centres of higher education in India presented no advantage in being elected to the Lok Sabha or even getting a ticket to contest the elections from one of the major political parties. Undoubtedly, Indian democracy was asserting itself. Academic attainments were already losing their sheen in the electoral arena. The educational attainments of Lok Sabha members came to be strongly marked by Indian and mofussil certification from the second Lok Sabha itself.

The SCs who were elected to the second Lok Sabha were definitely better qualified compared to the first. However, some of them in the first Lok Sabha were highly educated such as Dr Dev Rao Namdev Rao Pathrikar Kamble (Nanded, Bombay; DSc) and Dr Pashupathi Mandal (an MBBS degree from Calcutta Medical School). There was a definite decline in the number of rural SC representatives, so prominent in the first Lok Sabha. Dalits with strong modernist outlooks promoted by education were making headway; and education had become a criterion for their inclusion within the Indian polity at large. The trend seemed to be at variance as far as the STs were concerned—members of the second Lok Sabha were relatively less qualified as compared to those of the first. P.B. Bhogji Bhai (Banswara, Rajasthan), Kalo Chadramani

(Sundargarh, Orissa), Shambhu Charan Godsora (Singhbum, Bihar), Kesar Kumari (Raipur, Madhya Pradesh), Ramachandra Majhi (Mayurbhanj, Orissa), Kankipathi Veeranna Padal (Golconda, Andhra Pradesh), Maradi Selku (West Dinajpur, West Bengal), and M.G. Uikey (Mandla, Madhya Pradesh) had little or no education. Even the better qualified were educated from lesser known institutions. Leaders such as Jaipal Singh, who was a prominent face of tribal India, with a Masters degree from Oxford were indeed exceptions. The orientation of SC and ST members is to be noted in this context, the former being disposed to modern, urban, and higher education and the latter still mainly confined to rural and lower levels of educational accomplishments.

Occupational Background

A comprehensive account of the occupations of members of the Lok Sabha from 1952 to 2004 has been brought out by the Lok Sabha Secretariat (see Table 2.2 for the first and second Lok Sabhas). However, the categories in which it has organized the occupations are far too broad. We have sorted the data available in this regard and adjusted it with the account of the Secretariat.

Many members of the first Lok Sabha, apart from their occupations, described themselves as political workers which in the language of the times denoted freedom fighters. The top leadership of the national movement hailed from the legal profession.[4] Therefore, it is not surprising that a large number of the members of the first Lok Sabha hailed from the legal community (see Table 2.2). Many who claimed to belong to other occupations and services also had legal education. There was a relatively weighty representation from some professional groups such as agriculturists who often described themselves as landlords[5] and social workers. The group of members who had retired from services of the colonial regime, such as the army, civil service, and Judiciary, was not cohesive and was subsumed decisively within the fold of the new popular representation. In comparison to traditional occupational divisions, modern professional labels out-numbered the members' self-description. Traditional appellations such as *pandit*, *kazi*, barber, carpenter, etc., were not used. Members were clearly locating themselves in the modern framework, and through it were defining themselves and the polity of which they were at the helm. Traditional values and practices, including appellations, however, were actively sustained in the 'non-public' domain.

Caste Blocs, Communities, and Religious Belonging

Table 2.3 provides the caste/community composition of the first two Lok Sabhas, which underwent some notable changes subsequently. Given the mandatory reservation for SCs and STs, their representation remained relatively

stable although even there certain significant changes could be noticed. While in the first Lok Sabha, SCs comprised 15.5 per cent and STs 5.8 per cent of the representatives, these proportions went up to 17.3 per cent and 6.8 per cent respectively in the second Lok Sabha. It shows that a few members from either of these categories came to be elected from general constituencies.[6] What is more remarkable, however, is the preponderant representation of brahmins and other upper castes both in the first and the second Lok Sabhas (Table 2.3).

Table 2.3 Community/Caste-wise Membership of the Lok Sabha

Community/Caste-wise Membership	*1952–7*		*1957–62*	
	Number	*%*	*Number*	*%*
SCs	77	15.5	86	17.3
STs	29	5.8	34	6.8
Low castes	16	3.2	17	3.4
Middle castes	43	8.6	53	10.6
Other upper castes	126	25.3	137	27.5
Brahmins	119	23.9	105	21.1
Muslims	25	5	24	4.8
Other religious groups	26	5.2	23	4.6
N.A.	37	7.4	19	3.8
Total	498	100	498	100

Source: Data Unit, Lokniti, Centre for the Study of Developing Societies (CSDS), Delhi.

In the first Lok Sabha, there were 119 brahmins constituting 23.9 per cent of the representatives and 126 other upper castes constituting 25.3 per cent of the representatives. Together they formed 49.2 per cent of the representatives in the House. Given the fact that upper castes, including brahmins, probably formed about 15 per cent of the population, their representation in Parliament was clearly overwhelming. The middle castes made up 8.6 per cent of the representatives while 3.2 per cent were from the low castes; together they formed 11.8 per cent of the representatives. Given that their population was nearly 40 per cent of the country as a whole, the Other Backward Classes (OBCs) were clearly underrepresented in the Lok Sabha. Muslims had 25 representatives forming 5 per cent of the membership of the House as a whole—their population was over 10 per cent. They too were clearly underrepresented. The other religious groups—that included Christians, Buddhists, Sikhs, Parsees, and Jains—had 26 representatives, slightly higher compared to their demographic weight in the country as a whole.[7]

The pattern of caste composition found in the first Lok Sabha was largely reproduced in the second Lok Sabha as well. The SCs and STs together commanded 120 members out of 498, forming 24.1 per cent of the representatives.

While the brahmin representation declined slightly to 21.1 per cent, the representation of other upper castes increased to 27.5 per cent. Both these groups commanded 48.6 per cent of the strength of the second Lok Sabha, roughly equal to what they had in the first Lok Sabha. There is a slight increase, but not very appreciable, of the Backward Classes from 11.8 per cent to 14 per cent. Whatever increase was there in their representation accrued to the middle castes and not to the low castes. Muslim representation declined still further, from 25 representatives to 24. The other religious groups had three representatives, less as compared to the first Lok Sabha. There was no significant change in the social structure represented in the Parliament from the first to the second Lok Sabha (see Table 2.3).

Since caste becomes an important input in voting behaviour and choice of representatives in India, it might be useful to outline changes in this regard in the composition of the Lok Sabha in the 1960s as well. In the third and fourth Lok Sabhas too, the caste composition found in the earlier two Lok Sabhas persisted with certain marginal variations. In fact, the upper caste block consolidated to 51.9 per cent in the third Lok Sabha. OBC representation remained almost the same as in the second Lok Sabha. There was no appreciable change in the Muslim representation. The representation of SCs and STs came to be confined strictly to the reserved constituencies. Almost the same pattern can be seen in the 1967 Lok Sabha as well, although OBC representation registered a 3.3 per cent growth over the third Lok Sabha, signalling the tectonic shifts underway socially (see Table 2.4). OBC-based parties came to be a prominent presence in several states of the country during this period, demonstrating that social structure was loosening and hitherto marginalized and dependent groups were mobilizing themselves politically. This was also the period when the Congress system suffered its first major crisis.[8]

Table 2.4 Caste-wise Membership of the Lok Sabhas of 1962 and 1967

Caste-wise Membership	*1962*		*1967*	
	Number	*%*	*Number*	*%*
SCs	75	14.7	79	15.1
STs	37	7.3	40	7.7
OBCs	68	13.4	87	16.7
Other upper castes	169	33.2	149	28.5
Brahmins	95	18.7	97	18.6
Muslims	25	4.9	28	5.4
Other religious goups	21	4.1	23	4.4
N.A.	19	3.7	19	3.6
Total	509	100	522	100

Source: CSDS, Delhi.

Age of the Members of the Lok Sabha

Table 2.5 gives an overall account of the age of the members of the Lok Sabha from 1952 to 2004.

A majority of the members of the first Lok Sabha were middle aged, between 41 and 55 years (see Table 2.6), and nearly a quarter of them were 30–40 years old. There were as many members below 30 years as there were above 60 years making the first Parliament robustly embedded among the middle aged but with representation from the relatively young and old. In the second Lok Sabha, the number of the middle-aged remained almost the same but the proportion of those between 30 and 40 had increased, while there was a corresponding decline among those who were below 30 years. The proportion of those above 60 years almost remained stable. The average age of the members of the first to third Lok Sabha was 47 years. Only 25 per cent members in the first, 13 per cent in the second, and 3 per cent in the third Lok Sabha had previous experience in state Legislatures—probably not considered an asset for Lok Sabha membership!

The first two Lok Sabhas shared certain characteristics. Most members were males, as has been the case generally with the subsequent Lok Sabhas. But quite a few of them had extensive knowledge of states other than their own by the time they became Parliamentarians. Except for SCs and STs, they were not insular local elites but enjoyed wider acceptance and for whom the concept of the nation was part of their very political grooming. At the same time they had a strong base in their respective provinces but not necessarily in the constituencies from which they contested. If an elected member did not have strong provincial base of his own he was linked to the local leaders through numerous ties.

While the gender composition in the Lok Sabha fluctuated to an extent across the period, it largely remained invariant (see Table 2.7). However, the credentials of women representatives underwent dramatic transformation from the 1950s to the 1990s. While in the 1950s the women representatives had strong ties with the national movement or radical movements accompanying it, in the 1990s women representatives embodied complex educational and professional attainments.

THE AMBIGUOUS ZONE: PARLIAMENT IN THE 1970S

The Parliament of 1977 was remarkably different from the Parliament of 1971, just as the latter was from that of 1967. The 1971 Parliament was constituted after the abolition of the privy purses, the nationalization of several major banks, and the East Pakistan liberation movement that eventually led to the

Table 2.5 Age-wise Distribution of the Members of the First to the 14th Lok Sabhas

Age Group (in Years)	*1st Lok Sabha*		*2nd Lok Sabha*		*3rd Lok Sabha*		*4th Lok Sabha*		*5th Lok Sabha*		*6th Lok Sabha*		*7th Lok Sabha*	
	No.	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*
25–35	82	17.75	73	15.02	45	9.47	59	11.89	44	8.73	44	8.48	52	10.02
36–45	126	27.27	162	33.33	143	30.11	152	30.65	138	27.38	131	25.24	146	28.13
46–55	167	36.15	140	28.81	142	29.9	154	31.05	193	38.29	188	36.22	154	29.68
56–65	76	16.45	95	19.55	116	24.42	94	18.95	92	18.25	107	20.62	128	24.66
66–75	11	2.38	16	3.29	27	5.68	35	7.06	34	6.75	44	8.48	35	6.74
76–85	0	0	0	0	2	0.42	2	0.4	3	0.6	5	0.96	4	0.77
86–95	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total members who supplied information	462		486		475		496		504		519		519	
Total number of seats	499		500		503		523		521		544		544	

Age Group (in Years)	*8th Lok Sabha*		*9th Lok Sabha*		*10th Lok Sabha*		*11th Lok Sabha*		*12th Lok Sabha*		*13th Lok Sabha*		*14th Lok Sabha*	
	No.	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*
25–35	43	8.1	31	5.93	40	7.92	33	6.39	34	6.35	29	5.36	21	3.8
36–45	133	25.05	131	25.09	125	24.75	120	23.25	123	22.99	133	24.58	106	19.2
46–55	151	28.43	174	33.33	158	31.29	162	31.4	181	33.83	180	33.27	173	31.34
56–65	154	29	131	25.1	131	25.94	124	24.03	125	23.37	126	23.29	162	29.35
66–75	41	7.72	53	10.15	46	9.11	66	12.8	63	11.78	65	12.02	67	12.14
76–85	9	1.7	1	0.2	5	0.99	11	2.13	9	1.68	8	1.48	23	4.17
86–95	0	0	1	0.2	0	0	0	0	0	0	0	0	0	0
Total members who supplied information	531		522		505		516		535		541		552	
Total number of seats	544		529		509		543		545		543		552	

Source: Malhotra, *The Changing Profile of Lok Sabha*, p. 3; and *Who's Who of the Fourteenth Lok Sabha*.

Table 2.6 Average Age of the Members of the First to the 14th Lok Sabhas

Lok Sabha	*Average Age*
First (1952–7)	46.5
Second (1957–62)	46.7
Third (1962–67)	49.4
Fourth (1967–70)	48.7
Fifth (1971–7)	49.2
Sixth (1977–9)	52.1
Seventh (1980–4)	49.9
Eighth (1984–9)	51.4
Ninth (1989–91)	51.3
Tenth (1991–6)	51.4
Eleventh (1996–7)	52.8
Twelfth (1998–9)	46.4
Thirteenth (1999–2004)	55.5
Fourteenth 2004–9	54.19

Sources: Malhotra (ed.), *Fifty Years of Indian Parliament*, p. 105; and *Who's Who of the Fourteenth Lok Sabha*.

Table 2.7 Representation of Women Members in the First to the 14th Lok Sabhas

Lok Sabha	*Total No. of Seats*	*No. of Women Members*	*% to the Total*
First	499	22	4.4
Second	500	27	5.4
Third	503	34	6.7
Fourth	523	31	5.9
Fifth	521	22	4.2
Sixth	544	19	3.4
Seventh	544	28	5.1
Eighth	544	44	8.1
Ninth	529	28	5.29
Tenth	509	36	7.07
Eleventh	543	40	7.36
Twelfth	545	44	8.07
Thirteenth	543	49	9.02
Fourteenth	552	47	8.5

Sources: Malhotra (ed.), *Fifty Years of Indian Parliament*, p. 120; and *Who's Who of the Fourteenth Lok Sabha*.

formation of Bangladesh. The Congress's slogan for the 1971 election was '*Garibi Hatao*' (remove poverty). The Congress Party had split in 1969; the wing associated with party organization was known as Congress (Syndicate) or Congress (O), and the other wing associated with Indira Gandhi was known as Congress (I). The latter eventually inherited the party name Indian National Congress (INC) or, simply, the Congress. The opposition was made of the Bharatiya Jan Sangh (BJS),[9] the splintered groups of Socialist parties,[10] and the

Communists who in turn were divided into two parties, the Community Party of India (CPI) and the Communist Party of India (Marxist) [CPI (M)]. The national movement was receding from memory and the kind of social cohesion that was found in the Parliament of the 1950s was hardly seen. However, development remained an over-riding social and economic pursuit.

The 1971 Parliamentary composition reflected a systematic undercutting of the social support base of major leaders of the Congress in the provinces and attempts to promote factional leaders opposed to them,[11] for instance in Karnataka, where the major social base of the Congress remained organizationally with the old Congress.[12] Caste-wise membership of the Lok Sabha did not undergo much of a change in 1971 as compared to 1967. However, there had emerged massive social movements all across the country, particularly those of the workers and peasantry, from the late 1960s. The weakening of the traditional leadership and an intense campaign highlighting partisanship towards the poor had placed limits to state coercive actions. Such a conjuncture made significant sections of the masses rally behind the Congress led by Indira Gandhi in many parts of the country.[13] There were no realistic alternatives on the ground. From 1971 onwards the proportion of the electorate from the marginalized sections such as SCs/STs, Muslims, and women had grown enormously in relation to the general electorate. This support from the subaltern sections and the demands they voiced were to impact the composition of the Parliament as well. A large number of major socio-economic changes that were taking place came to be reflected in the Parliament without necessarily finding a political resolution.

There were several developments in this period which questioned the legitimacy of the system itself including its institutional complex. The rebellion of the underprivileged led to huge conflicts, riots, and tensions. Food riots broke out in many places.[14] There was the seizure of land in several parts led mainly by a fragmented socialist opposition. Peasant movements broke out in many parts of the country[15] and there were widespread working class protests in the urban landscape in the early 1970s. Students and the youth initially rallied behind anti-reservation demands in Gujarat, but soon this protest was converted into a protest against the Congress regime in the state. This mass upsurge eventually culminated in the Jayaprakash Narayan-led Movement (JPM) of the 1970s. The attempt by Indira Gandhi, then Prime Minister, to roll back the social unrest through such slogans as '*Garibi Hatao*' could not stem the tide. Her attempt to centralize and personalize power exacerbated the conflicts.[16] But the electoral legitimacy she had garnered in 1971 and the associated circumstances still helped her claim the support of the poor, the SCs, and STs.

By the end of the 1960s, the Congress, which was an all inclusive party, came to be increasingly identified with upper castes, big industry, a section of

the urban middle class, and the rich rural peasantry; the backward classes had distanced themselves from the Congress.[17] Indira Gandhi's regime attempted to resolve this impasse by taking recourse to authoritarian ways without affecting social relations to any significant extent. But this was not appreciated even by big industry and the urban middle classes who eventually turned against the Emergency. The Janata Party that came to be formed, apart from being a conglomeration of a number of political parties and factions, was primarily an attempt by the rich agrarian classes and backward classes to assert their claim to political power at the national level. This alliance attempted to rope in segments of commerce and industry threatened by growing state intervention. By joining hands with lower classes and castes, it tried to garner for itself resources of democracy and legitimacy. But such a resolution made little headway given its unwieldy composition.

The 1970s is the period of the plebianization of Indian politics both in terms of social assertions and slogans. It was reflected in the way parties and civil society organizations named themselves, donning such appellations as *Janata*, *Lok*, *Praja*, and others, to indicate their bond with the undefined masses.

Educational Endowment

With regard to the educational accomplishments of the members, there was a major shift in the 1970s. A large number of members had studied in lesser known and local educational institutions. The number of those who obtained their educational qualifications from abroad radically declined and there were few famed institutions that certified them. Among the very few who obtained their degrees from abroad, most were lawyers and they were F.A. Ahmed, Frank Anthony, Somnath Chatterjee, S.M. Krishna, S.M. Kumaramangalam, Shivram Yadav Mahajan, Hirendra Nath Mukerjee, Kotha Raghuramaiah, M.T. Raju, Siddhartha Shankar Ray, Dr Shankar Dayal Sharma, and Sant Bux Singh. Some of those trained abroad, such as Indrajit Gupta (Cambridge University), Hirendra Nath Mukerjee (Oxford University), were Marxists. There were a few professional and technical specialists with engineering degrees outnumbering the rest. There were just a few medical doctors such as Dr N.N. Kailas, Dr Jivraj Mehta, Dr Laxminarayan Pandey, and Dr A.G. Sonar. Only a handful had doctorate, science, and non-arts degrees. In a way, the educational qualifications of the members became local, non-specialized, and oriented towards general education. It was in this 'massification' of Parliament that populism grew. Few members had the towering educational presence as we find in the 1950s. The professionally and technically qualified were either not attracted by Parliament, or were not welcome.

The 1977 Lok Sabha was similar to the 1971 Lok Sabha except in certain features. The older educational centres were again prominent such as Madras,

Allahabad, Calcutta, and Delhi, indicating a return to Parliament of a section of the political elite of the early 1950s, who had been marginalized particularly in the late 1960s and early 1970s. However, there were very few members, as in 1971, who were either educated abroad or had higher qualifications. A vast majority of the members were arts graduates. Quite a few of them had obtained a legal degree after they discontinued their formal education, but only a few pursued their legal practice seriously. In other words, the 1977 Parliament was 'indigenous' and insular as that of 1971, but much more 'elitist' in its educational endowments and many of its members were not prepared to be tossed around like in the Parliament of 1971.

In the 1970s emerged the professional politicians. Most of them had a narrow focus, a limited vision of the world, and did not have much of any specialized training. The 1970s saw a great deal of expansion of specialized training in India although the number of members of the Lok Sabha who had professional undergraduate and post-graduate degrees declined precipitously. They were not held in much esteem by society and this definitely had an impact on the kind of legitimacy and esteem they enjoyed among their peers.[18] In contrast, some of the best educated persons in the 1950s were members of the Lok Sabha. The public perception of the politician in general and that of the member of the Lok Sabha in specific took a beating in the 1970s.

Occupational Background

Occupationally 33.2 per cent of the members of the 1971 Lok Sabha called themselves agriculturists, an inclusive term that encompassed large land owners and small farmers as well. There was a precipitous decline in the number of members who claimed to be lawyers in comparison to the 1950s, although the number of law degree holders increased significantly in the 1970s. 'Political and social workers' formed 19 per cent of the members; this was a ubiquitous social stratum which lived off their nexus with state power and patronage unlike in the 1950s. The proportion of traders was less as compared to the 1950s and the number of professional teachers as members of the Lok Sabha declined. There were only nine medical practitioners and six engineers. Writers and journalists registered better presence. The proportion of members drawn from civil and military service was low but on par with the 1950s. Members hailing from trade and industry were less in comparison to the 1950s, but still considerable in number. There were very few members involved in multiple callings and professions in the fifth Lok Sabha. (See Table 2.8.)

In the sixth Lok Sabha, there was a significant change with regard to occupations and professions. The proportion of agriculturists increased to 36 per cent as compared to 33.2 per cent in 1971. The proportion of lawyers too went up to 23.43 per cent, 3 per cent higher than in 1971. Those who termed themselves

Table 2.8 Occupational Background of the Members of the Fourth, Fifth, and Sixth Lok Sabhas

Prior Occupation	*Fourth Lok Sabha*		*Fifth Lok Sabha*		*Sixth Lok Sabha*	
	Number	*%*	*Number*	*%*	*Number*	*%*
Agriculturalists/ horticulturalists	154	30.62	168	33.2	189	36
Artists	1	0.2				
Civil, police, and military service	16	3.18	17	3.36	9	1.71
Engineers and technologists	7	1.39	6	1.18	5	0.95
Former rulers	7	1.39	2		3	0.57
Industrial workers/ trade unionists	1	0.2	–		9	1.71
Journalists/writers	24	4.77	32	6.32	11	2.1
Lawyers	88	17.49	103	20.36	123	23.43
Medical practitioners	14	2.78	9	1.78	10	1.91
Political and social workers	115	22.86	96	18.97	105	20
Religious missionaries	4	0.8	2	0.4		
Teachers and educationists	33	6.56	36	7.11	44	8.38
Traders and industrialists	39	7.76	35	6.92	17	3.24
Total number of members who supplied information	503		506		525	
Total number of seats	523		521		544	

Sources: Malhotra (ed.), *Fifty Years of Indian Parliament*, pp. 116–19; and *Who's Who of the Fourteenth Lok Sabha*.

as political and social workers registered a growth as well. The number of traders declined and so did journalists and writers. There were only 10 medical practitioners and five engineers and technologists. However, the proportion of former civil servants registered a decline from 3.36 per cent in 1971 to 1.71 per cent. There was an unprecedented return of trade unionists/industrial workers and the number of those who carried on multiple occupations and professions was more than in 1971. The tendency to become a politician–entrepreneur was clearly on the upswing which was reinforced in the 1990s. The license-permit *raj* helped some politicians use state patronage in garnering initial capital towards entrepreneurship. Occupationally, the 1970s was a throwback to the rural setting like it was never before and after.

Caste Blocs, Communities, and Belonging

Caste composition of the Parliament underwent some minor changes in 1971 although they were largely insignificant (see Table 2.9). Brahmins and other upper castes commanded 47.6 per cent of the representation in the Lok Sabha of 1971. Brahmin representation which had declined to 18.7 per cent and 18.6

per cent in the third and fourth Lok Sabhas respectively increased to 22.1 per cent in the fifth Lok Sabha; other upper caste representation, which had seen an increase in the fourth and fifth Lok Sabhas, declined to 25.5 per cent in the fifth Lok Sabha. The Indira Gandhi tirade against privy purses and to an extent on large land holdings probably had its impact on the upper castes, although its benefit was primarily garnered by brahmins. The OBC representation continued to remain low at 16.1 per cent, while the representation of Muslims and other religious groups did not undergo any major change. In fact, the presence of other religious groups declined, much below their demographic composition. Muslim representation remained steady but far below their demographic weight.

Table 2.9 Caste and Community-wise Membership of the Lok Sabhas of 1971 and 1977

Caste/Community	*Number (1971)*	*% (1971)*	*Number (1977)*	*% (1977)*
SCs	81	15.5	85	15.7
STs	35	6.7	39	7.2
OBCs	84	16.1	107	19.7
Other upper castes	133	25.5	153	28.2
Brahmins	115	22.1	85	15.7
Muslims	28	5.4	32	5.9
Other religious groups	19	3.6	20	3.7
N.A.	26	5	21	3.9
Total	521	100	542	100

Source: CSDS, Delhi.

The social composition of the Parliament underwent a radical change in 1977. While the percentage of members hailing from the SCs/STs remained almost the same as in the 1971, there was a significant shift of members in the other categories. OBC representation shot up to 19.7 per cent, the highest hitherto, and they secured 107 out of 542 seats in the Parliament. Only in 1989 did they succeed in breaking this record. The 1977 elections continued to remain an epochal threshold in OBC imagination in the subsequent periods. Representation of upper castes other than brahmins increased slightly to 28.2 per cent. However, the proportion of brahmins declined to 15.7 per cent, the lowest so far. Muslim representation remained almost the same as in the previous Lok Sabhas, registering a marginal increase to 5.9 per cent while the other religious groups secured 3.7 per cent representation.

Since caste composition of the Lok Sabha underwent a radical change in 1977, how did this shift reflect itself in the subsequent elections to the Lok Sabha? Caste-wise membership of the Lok Sabha is very helpful in this regard (see Table 2.10).

Table 2.10 Caste and Community-wise Membership of the Lok Sabha of 1980

Caste-wise Membership	*Number*	*%*	*Cumulative %*
SCs	87	16.4	16.4
STs	39	7.3	23.7
OBCs	91	17.1	40.9
Other upper castes	142	26.7	67.6
Brahmins	76	14.3	81.9
Muslims	49	9.2	91.1
Other Religious groups	27	5.1	96.2
N.A.	20	3.8	100
Total	531	100	

Source: CSDS, Delhi.

Certain significant shifts can be noticed in the 1980 Lok Sabha (see Table 2.10). The SC/ST representation improved and reached its peak of 126 members. As this number exceeded the mandatory 22.5 per cent of seats assigned to them, a few of them were elected from general constituencies. There was a further decline in the brahmin representation from 15.7 per cent in 1977 to 14.3 per cent, although compared to their population they were still over-represented. But within a decade, between 1971 and 1980, brahmins had lost one-third of their membership in the Lok Sabha. Representation of other upper castes registered a slight decline—from 28.2 per cent in 1977 to 26.7 per cent. The upper castes, including brahmins, wielded only 41 per cent of the representation in the Lok Sabha, one of the lowest ever. There is some correlation between this decline and the pro-agitation politics that precipitated in the 1980s. OBC representation registered a significant decline from 19.7 per cent to 17.1 per cent. However, if we compare it to the first Lok Sabha, there was about 50 per cent growth. The big OBC assertion, however, was to come a little later. Muslims made a remarkable recovery in this Lok Sabha: 49 of their representatives, the highest ever from the community, were elected forming 9.2 per cent of the strength of the House. The Congress Party had made a determined bid to woo the SCs and Muslims back to the party and it was clearly manifest in their enhanced representation in the House. The other religious groups too registered a significant improvement in their representation in the 1980 Lok Sabha, from 3.7 per cent to 5.1 per cent, their next highest after the first Lok Sabha. Overall, religious minorities never had it so good in any one of the Lok Sabhas and they commanded 14.3 per cent of the total representation in this Parliament.[19] The assertion of the minorities and the growing presence of OBCs in the House were to be the pointers to some of the most significant developments in Indian politics in the next two decades.

Table 2.11 Caste and Community-wise Membership of the Lok Sabhas of 1984 and 1989

Caste-wise Membership	*1984*		*1989*	
	Number	*%*	*Number*	*%*
SCs	82	15.1	81	15.3
STs	43	7.9	40	7.5
OBCs	78	14.3	119	22.4
Other upper castes	190	34.9	154	29
Brahmins	85	15.6	75	14.1
Muslims	45	8.3	26	4.9
Other religious groups	14	2.6	9	1.7
N.A.	7	1.3	27	5.1
Total	544	100	531	100

Source: CSDS, Delhi.

DECISIVE TRANSFORMATION IN THE SOCIAL BASE OF PARLIAMENT: THE 1990s

The developments in the 1990s with regard to the social composition of the Lok Sabha were closely bound with some of the changes in the 1980s. The 1984 Lok Sabha showed a major decline in OBC representation (see Table 2.11). It fell from 17.1 per cent in 1980 to 14.3 per cent, a major reversal of the trend from 1971 onwards. The growth of brahmin representation was not an insignificant one compared to the 1980 elections, from 14.3 per cent to 15.6 per cent; there was a remarkable consolidation of upper caste representation from 26.7 per cent to 34.9 per cent. In fact, the upper caste bloc including brahmins, constituted more than half of the Parliament in 1984, forming 50.5 per cent of the entire membership of the House, next only to the third Lok Sabha.[20] Muslim representation was not as deplorable as in several earlier Lok Sabhas with 8.3 per cent representatives, although it was not as good as the seventh Lok Sabha. There was a decline of other religious groups. In a way the signs of polarization of the polity were very pronounced in 1984, precisely when the Congress Party had secured the highest proportion of the popular vote and the largest number of seats in the House ever. Parliament was clearly signalling trouble for the Congress.

The 1989 Lok Sabha attempted to gain momentum from the 1977 composition of the House, the ruling coalition making forays into the erstwhile social bases of support of the Congress Party and appealing partially to the very social segments that had rallied against it. OBC representation rose to the peak in this Lok Sabha with 22.4 per cent, while brahmin representation returned to the 1980 mark. Interestingly, representation of other upper castes too declined to 29 per cent and Muslims lost out heavily and secured only 4.9 per cent of the membership of the House (see Table 2.13). It is important to note that there was a pronounced appeal to caste and community identities during the

Table 2.12 Educational Qualification of the Members of the 10th, 11th, 12th, 13th, and 14th Lok Sabhas

Education	*10th Lok Sabha*		*11th Lok Sabha*		*12th Lok Sabha*		*13th Lok Sabha*		*14th Lok Sabha*	
	Number	*%*	*Number*	*%*	*Number*	*%*	*Number*	*%*	*Number*	*%*
Under-Matriculation	18	3.57	15	2.9	12	2.36	15	2.81	22	4
Matriculates/Higher Secondary or Intermediate certificate holders	101	20.04	102	19.73	107	20.23	90	16.9	86	15.64
Vocational Courses									11	2
Graduates (including those with equivalent technical qualifications)	220	43.65	222	42.94	237	44.8	256	48.03	249	45.26
Postgraduates (including those with equivalent technical degree qualifications)	145	24.58	149	28.82	149	28.17	145	27.2	156	28.4
Doctoral degrees/other higher academic qualification holders	20	1.87	29	5.61	24	4.54	27	5.06	26	4.7
Total number of members who supplied information	504		517		529		533		550	
Total number of seats	521		544		545		543		552	

Sources: Malhotra (ed.), *Fifty Years of Indian Parliament*, p. 110; and *Who's Who of the Fourteenth Lok Sabha*.

Table 2.13 Caste/Community-wise Membership of the Lok Sabhas of 1991, 1996, and 2004

Caste/Community	*No. of Members 1991*	*% 1991*	*No. of Members 1996*	*% 1996*	*No. of Members 2004*	*% 2004*
SCs	86	15.9	85	15.4	82	14.85
STs	42	7.8	44	8	54	9.77
OBCs	128	23.7	125	22.7	138	25
Other upper castes	180	33.3	175	31.8	165	28.88
Brahmins	41	7.6	56	10.2	54	9.78
Muslims	28	5.2	24	4.4	35	6.34
Other religious groups	18	3.3	21	3.8	24	4.35
N.A.	18	3.3	21	3.8	–	–
Total	541	100	551	100	552	100

Source: CSDS, Delhi.

run-up to the elections, identities that were already awakened and were either nursing a set of grievances or attempting to go jugular. The kind of inclusion that the Congress projected under upper caste hegemony in 1984 proved very fragile under conditions of growing assertion by the lower castes and the appeal to Hindutva projected by the Bharatiya Janata Party (BJP). The upper castes including brahmins had reasons to rally behind the BJP which was both challenging and endorsing parliamentary democracy with its version of majoritarianism.

The elections of the 1990s pushed the Congress Party to the relative margins and the social base of Parliament saw a profound transformation. Regional identities mainly resting on the peasantry, local movements, and communitarian bonds emerged as significant factors in deciding electoral outcomes. The OBCs consolidated their presence in the Lok Sabha further securing nearly a quarter of the membership. The Bahujan Samaj Party (BSP), a Dalit-based party, had made its presence felt in the Lok Sabha in 1989 but the strong assertion of the OBCs had taken its toll in marking its presence. It eventually came to be recognized as a national party in 1996.[21] The BJP rode in strength into the 1991 Parliament with a powerful all-India base appealing to Hindu identity. It had overcome many traditional limitations hitherto attributed to it, such as being an upper caste brahminical party, north Indian party, and party of the upper castes.[22] It had established a strong presence among sections of the OBCs all over India. There was great erosion in the social support base of the Congress Party. Dalits, OBCs, Muslims, STs, and even upper castes walked out of it in great numbers.

There was a hung Parliament with no party or pre-electoral coalition even remotely close to forming the government in 1996. Coalition became the rule

of the game. Even a small party could make a big difference in the numbers game to form a majority in the House.[23] There was an increased importance of individual Parliamentarians during this period. The notion of the social base underwent tremendous changes during this period. Loyalty came to be owed much more to identities, castes and communities, and to regions than to ideology or policies; in certain instances, such as the BJP, for many of its spokespersons, the distance between ideology and identity seemed to vanish.

Unlike the 1970s, there was no great ambiguity that characterized the Parliament of 1996. The state was in a globalizing mode and was showing signs of internationalization, but the Parliament could not wrest initiative in its hands. The benefit of the globalizing drive primarily accrued to the Executive, and many Parliamentarians made a desperate bid for a place in the Cabinet rather than strengthening the House at a time when there was a great opportunity for the Parliament to seize initiative against a relatively unstable Executive.

The short-lived 1998 Parliament carried forward the trend strongly manifested in the 12th Lok Sabha and made way for the emergence of alliances, particularly the pre-poll alliances. Although the 1999 Parliament did not have a party that enjoyed a majority in the Lok Sabha, there was a pre-poll alliance among many parties, led by the BJP, based on a common minimum programme which proved successful. The social base of the parties found in this coalition was significantly different as compared to 1996, although some trends continued. Barring certain states, the BJP reinforced its all-India support base which was primarily drawn from the upper castes and upper classes, while a significant section of the OBCs and upper layers of the peasantry extended their support to it.[24] There was a decisive presence of the upper castes at the helm of parliamentary leadership in 1999. But the coalition, including the leading Hindutva element, ensured a place for diversity and plurality in the ruling alliance. The backward classes and different regions of the country found a modicum of presence in it. The opposition which remained splintered but not necessarily directionless could, however, enlist the support of the minorities, the SCs and STs to an extent, and sections of the peasantry which came to be badly affected in the process of liberalization.

In spite of the limitations, in many ways the 13th Parliament was a reinvigorated one. None of the parties had a rolling majority and discussion and debate were back in the Parliament. The possibility of re-vitalization of the Parliament, however, came to be profoundly affected by two major factors. There was an attempt to drive the Hindutva agenda into state institutions and its policies without necessarily subjecting such moves to serious Parliamentary scrutiny.[25] Outside the Parliament there was an enormous growth of the Sangh Parivar, which attempted to advance its agenda through a phalanx of

institutions ostensibly in the domain of civil society.[26] Second, the globalization of the country continued during this period reinforcing the relative position of the Executive vis-à-vis the Parliament. Further, the Executive established strong linkages with the Indian diaspora. The opposition did not demonstrate adequate sensitivity to the great shift in the social base of representation over time. The sensitivity of the Congress to the shift, however, became visible from the Pachmarhi Conclave and was reiterated in the Shimla meet.[27] The Congress predisposed itself to accommodate regional identities and political forces much more positively following the Shimla meet in 2003. This move was in the domain of electoral tactics. However, there was not much clarity in the party on how to relate to the burst of diversity on one hand, and widespread inequalities and deprivation on the other.

Educational Qualification of Members in 1990s

From 1989 we see a major jump in the proportion of graduates, postgraduates, and doctorate holders in the Lok Sabha. This trend got reinforced in the latter half of the 1990s and in the elections of 2004 (see Table 2.12). In the 11th, 12th, 13th, and 14th Lok Sabhas, only 2.90, 2.26, 2.81, and 4 per cent of members had studied below the matriculation level respectively. The proportion of those with just matriculate qualification too was on the decline—they formed only 15.64 per cent of the membership in the 14th Lok Sabha. The proportion of graduates in these four Lok Sabhas was 42.94 per cent, 44.8 per cent, 48.03, and 45.26 per cent respectively. What was noteworthy, however, was the number of those with postgraduate qualifications and doctoral degrees. In the four Lok Sabhas since 1996, the proportion of those holding doctoral degrees was 3.97 per cent, 4.54 per cent, 5.06 per cent, and 4.7 per cent respectively.

The increase in the relative educational qualifications of members was only the tip of the iceberg as far as the great shift in educational qualifications was concerned. While there was no privileged centre of educational accomplishments in the 1990s as such, we can discern certain strong trends:

1. Unlike in the 1970s when graduation in the arts was the predominant feature of educational endowment, there was much diversification in educational attainments which probably reached its peak in the 12th Lok Sabha before tapering off subsequently. In the 12th Lok Sabha we find a major shift towards commerce, management, and other professional qualifications. There were many engineering and medical graduates and a large number of them had specializations in their fields, which included education, religious training, music, and arts. A number of them, in addition to their mainstream qualification, had also obtained diplomas in different courses. Quite a few of them

had formal certifications in foreign languages, journalism, veterinary training, and public administration.

2. There was a clear polarization between those who underwent their educational qualification in state-run, *mofussil*, and rural-based institutions on one hand, and those who obtained their qualifications in public schools and in institutions of professional and technical learning of great repute, on the other.

3. Alternative knowledge traditions clearly made their presence felt in the 12th Lok Sabha. For example, Dr Laxminarayan Pandey stated that he was an *Ayurvedachari* (specialist ayurvedic doctor), *Sahitya Ratna* (specialist in literature), *Kavya Teertha* (specialist in poetry), and *Shiksha Visharad* (specialist in education). Syed Hussain claimed that he was a *Molvi Fazil* (expert in Islamic jurisprudence).[28] Tradition was on the rebound and members did not feel shy to wear it on their sleeves.

4. A number of members in the 12th Lok Sabha studied abroad but not necessarily in the 'sought-after' centres of learning of the 1950s. University of Western Australia; Industrial College, United States of America; Sheelsburg (Switzerland); Louisiana State University; and Royal College of Tropical Medicines were the alma mater of some members.

5. There was a remarkable change in the qualifications of women members. Many women members in the 1950s and even 1970s were drawn from the legacies of the national movement. Women members in the 1990s excelled in educational attainments. Dr Suguna Kumari held MBBS, MD, DGO, DCH degrees, Dr Prabha Thakoor had a doctorate as was the case with Professor Rita Verma.

6. A large number of members in the 1950s who held foreign qualifications did so in Law and were called to the Bar. There were very few members in the 12th Lok Sabha with a Bar-at-Law or higher qualifications in law from other parts of the world.

7. The educational accomplishments in the 1950s were strongly tilted in favour of the brahmins and other upper castes. But in the 12th Lok Sabha, educational attainments were highly dispersed across castes and communities. Several OBC members had comparative educational accomplishments to those of the upper castes.

The pattern in educational qualifications of members from the 11th to 14th Lok Sabha is similar. There were, however, some significant departures. There was the return of graduates and postgraduates in arts on a large scale in the 13th Lok Sabha. In the 13th and 14th Lok Sabhas, many members had obtained their qualifications from a diverse range of institutions, particularly in the professional and technical fields. Members possessing multiple qualifications were on the rise. The cleavages that we saw in the 12th Lok Sabha continued

to be present. There were those hailing from prestigious institutions such as St Xavier's College, Calcutta, and Harvard University sitting alongside those who might have obtained a graduate degree from a college in a remote area.

Occupational Background

Unlike the 1950s, there was also a huge diversification in the occupational backgrounds of the members of the Lok Sabha in the 1990s. Computer engineers, sportsmen, religious missionaries, artists, actors, management consultants, pilots, and even poets crowded the floor of the House. The category 'landlord', which was so important in the self-description of members in the 1950s, wholly disappeared. Many had subsidiary professions besides a main one. This overlapping of several callings that was palpably visible from the 11th Lok Sabha onwards got reinforced in the subsequent Lok Sabhas (see Table 2.14).

The proportion of lawyers in the 12th Lok Sabha was one of the lowest, only 10.15 per cent, while agriculturists/horticulturists were 49.06 per cent, the highest ever. The other prominent occupations were teaching, education, medical practice, business, trade and industry, and industrial work and trade unionism. But such formal enumeration of the occupational structure belied the complex occupational and professional representation expressed in the Lok Sabha in the 1990s and in 2004. In the 12th Lok Sabha, for instance, several members described themselves as being businessmen, industrialists, management consultants, and social workers; or businessmen, executives or former civil servants; and educationists and religious missionaries, etc.

One could no longer pin down a member of the Lok Sabha spatially as an urban or rural dweller any longer from the late 1990s onwards as one could in the 1950s.[29] Occupational diversification affected all social layers and was not merely confined to the upper castes. SC members, for instance, were involved not merely in non-traditional professions and callings, but pursued several of them simultaneously: for example, Paras Ram Bhardwaj was a diplomat, agriculturist, social, and political worker; Nepal Chandra Das was an industrialist; and Dr Rama Chandra Dome was a medical practitioner and social and political worker. There were similar examples among STs as well. However, occupational and professional diversification among SCs and STs was far less compared to the other social layers.

One of the remarkable features of 12th Lok Sabha was the number of members who described themselves as educationists. A good proportion of them were educationists in an entrepreneurial sense and not in terms of professional pursuit. Several members were involved in promoting educational institutions, large and small, or hailed from such families. Most of them probably thought that such an involvement was conducive to their political

calling, almost the counterpart of being a social and political worker in the 1950s and 1960s. Unlike the Lok Sabha of 1970s, the 12th Lok Sabha had no reason to consider itself as rural-dominated any longer. This trend manifest in the 12th Lok Sabha came to be reinforced in the 13th Lok Sabha and beyond. While the broad profile of the 13th Lok Sabha with regard to occupations of its members remained the same as that of the 12th Lok Sabha, there were some remarkable changes. The proportion of businessmen increased from 1.5 per cent in the 12th Lok Sabha to 4.08 per cent in the 13th Lok Sabha. There were more engineers and technocrats, journalists and writers, teachers and educationists as compared to the 12th Lok Sabha.

However, diversification, found across all social sections in the 13th Lok Sabha, was far less among SCs/STs. If there was a diversification among these sections it was much less or greatly different from others. They were generally trade unionists, lawyers, agriculturists, writers/poets, and journalists. Professional diversification in terms of industry and business was much higher among BJP members, among South Indians and in such regional parties as Telugu Desam Party (TDP), Dravida Munnetra Kazhagam (DMK), and the Shiromani Akali Dal (SAD). This occupational and professional diversification and overlapping begot interlocked cleavages within the Lok Sabha and was the continuation of the trend strongly reflected in 12th Lok Sabha. This was not the case in the 1950s or even in 1970s when the cleavages were primarily of a social kind.

The pattern of multiple occupational pursuits of the members of the Lok Sabha persisted in the 14th Lok Sabha and often it is difficult to clearly mark their primary occupation. We have denoted a set of occupations as primary from the classification prepared by the Centre for the Study of Developing Societies (CSDS), Delhi. Clearly, the number of members who listed business, industry, and management as their primary occupations was on the increase.

Caste Blocs, Communities, and Religious Belonging

The strides that the OBCs made were writ large in the 10th Lok Sabha of 1991 (see Table 2.13). The proportion of OBC membership of the House in the 1991 elections was 23.7 per cent, even higher than that of 1989. The decline of brahmins was quite precipitous in 1991, their lowest proportion of representation ever, to 7.6 per cent. The upper castes, however, still constituted the largest block of representatives forming 33.3 per cent of the Lok Sabha. The rise of OBCs, therefore, did not lead to any significant decline of the upper castes except the brahmins. Muslim representation was definitely on the decline and they had only 5.2 per cent representation in the House. The other religious groups constituted 3.3 per cent, a relatively better position as compared to 1989.

Table 2.14 Occupational Background of the Members of the 10th, 11th, 12th, 13th, and 14th Lok Sabhas

Prior Occupation	*10th Lok Sabha*		*11th Lok Sabha*		*12th Lok Sabha*		*13th Lok Sabha*		*14th Lok Sabha*	
	Number	*%*	*Number*	*%*	*Number*	*%*	*Number*	*%*	*Number*	*%*
Agriculturalists/horticulturalists	163	32.09	207	38.98	261	49.06	230	42.7	225	40. 76
Artists	5	0.92	7	1.32	6	1.13	8	1.48		
Business, industry, management, consultancy	39	7.68	45	8.48	22	4.13	33	6.13	49	8.87
Chartered accountants					1	0.19	2	0.37		
Civil, police, and military service	16	3.15	13	2.45	10	1.88	8	1.48	6	1.08
Cooperative leaders			4	0.75						
Diplomats	4	0.79	4	0.75	2	0.38			2	0.38
Economists			1	0.19	1	0.19			2	0.38
Engineers and technologists	7	1.38	9	1.69	5	0.94	8	1.48	7	1.26
Former rulers	3	0.59			2	0.38	1	0.19	1	0.19
Judges					1	0.19	1	0.19	1	0.19
Industrial workers/ trade unionists	4	0.79	4	0.75	11	2.07	9	1.67	4	0.72
Journalists/writers	11	2.16	8	1.51	7	1.31	9	1.67	14	2.53
Lawyers	83	16.34	65	12.24	54	10.15	66	12.3	63	11.41

Medical practitioners	25	4.92	16	3.01	17	3.19	17	3.16	14	2.53
Pilots	1	0.2	2	0.38			1	0.19		
Political and social workers	92	18.11	104	19.59	96	18.01	108	20	107	19.38
Religious missionaries	3	0.59	1	0.19	4-	0.75	2	0.37	2	0.36
Scientists	1	0.2					1	0.19	2	0.36
Sportspersons	2	0.39			3	0.56	2	0.37	1	0.18
Teachers, educationists and veterinarians	49	9.64	41	7.72	28	5.26	33	6.12	32	5.79
N.A.							18	3.3		
Total number of members who supplied information	508		531		532		539		534	
Total number of seats	509		543		545		543		552	

Sources: Malhotra (ed.), *Fifty Years of Indian Parliament*, pp. 116–19; and *Who's Who of the Fourteenth Lok Sabha*.

This trend is reiterated in the later part of the 1990s and in the first half of the 2000s. We have considered the data in this regard for the 12th and 14th Lok Sabha as well. In 1996, the OBCs held on to their achievements in the previous two elections securing a representation of 22.7 per cent. Brahmin representation recovered a little from its low in the Lok Sabha elections of 1991, securing 10.2 per cent of the seats in the Lok Sabha. The overall dominance of the upper castes persisted. There was a further decline in the representation of Muslims and the lot of other religious groups did not improve much compared to 1991. In 2004, in the first elections to the Lok Sabha in the third millennium, the trend that we have charted in the 1990s persisted except for certain marginal changes. There was a slight decline in upper caste representation. However, if we compare it to the 1950s, the brahmins and other upper castes had lost nearly a quarter of their strength in the House, the former bearing the brunt of it all. While Muslims had slightly bettered their lot in 2004 compared to their position in the 1990s, it was far from being fair in relation to their number. The OBCs alone had kept their momentum going securing one-fourth of the membership of the House, although they were still under-represented. The intense mobilization of Dalits in the 1990s had little impact in affecting their relative position constitutionally conferred on them.

From 1952 to the 1990s, the SCs and STs retained their representation and this was largely due to the reservation of seats for them. The OBCs more than doubled their representation during this interval. There was a great decline in the representation of brahmins although, probably in proportion to their demographic weight, their representation was still higher. Muslims and other religious groups had a much lower representation compared to their population. What is noteworthy across the changes is the persistence of non-brahmin upper castes in the Parliament whose proportion has remained remarkably high and has even appreciated over time. Generally the 1990s is seen as the decade of the assertiveness of the OBCs but there has been little impact of the same on the steadfast representation of the upper castes. The rise of the OBCs and the continued predominance of upper castes sans brahmins was one of the major reasons for the shift of power from the union to the states in the 1990s. Both social clusters had a heightened demographic presence and wielded social influence in the regions and had much to gain by a shift of power to the states. This is not to deny the impact of other factors in bringing about such a shift.

The 1990s is also characterized by the growth of Hindutva and its political expression attributed to the Sangh Parivar as a whole. One of its overt expressions was the demolition of the Babri Masjid in 1992. Hindutva asserted itself as the nation and made sovereign claims on its behalf. In its wake, other identities too began to make their own distinct claims as if they were a law unto themselves. Alongside such assertions, linguistic identities too

were clamouring for attention and this eventually led to adding several new languages in the Eighth Schedule of the Indian Constitution. The composition of Parliament in the 1990s reflected the great shift in the social map of India, bringing to the fore many representatives who felt that their primary role was to represent specific identities.

The closing decade of the twentieth century saw India embracing the policy of liberalization which led to the growing importance of the city over the countryside. While it is not directly reflected in the social composition in the Lok Sabha, its impact is manifest in a number of ways. Those who described themselves as industrialists and professionals—engineers, management consultants, and medical professionals—found greater representation in the Parliament. There was hardly anyone outside the left block who described himself/herself as a trade union leader with rare exceptions such as George Fernandes. A number of members of the Lok Sabha had multiple professional callings that were tuned to a liberalized economy rather than a state regulated one. Therefore, there is little truth in an assertion such as the following: 'Seldom does even a veteran—that is, one who has been in the legislature for years—have any experience other than having spent years in the legislature. Rare indeed would be the case where a member of a legislature would have run an organization, that is, he would have had executive experience.'[30]

Undoubtedly the composition of the Lok Sabha in the 1990s reflects the multilayered civil society in India, caught in the throes of ascriptive identities and a bewildering proliferation of modern professional callings and voluntary organizations. Politicians were increasingly stepping into these associations and bodies, a fact reflected in a number of them calling themselves social workers, a term that had undergone substantial changes through the 1990s. This is also reflected in the way members of the Lok Sabha presented themselves in the public domain. Quite a few Parliamentarians appeared in traditional-looking apparel, be they Muslims or members of the BJP, but hardly anyone wore *khadi* like Gandhi.

Certain significant shifts in the social composition of the Parliament could be highlighted in this context. There was a definitive shift towards the relatively aged compared to the less aged. Religious, caste, and community identities came to be asserted in stronger terms compared to the earlier periods. Given their occupational locations, members of the Lok Sabha were likely to subscribe to and defend a variety of interests in the Parliament.

PUBLIC PERCEPTION OF THE INCLUSION OF OBCs

The OBCs have registered an enormous growth of representation in the Lok Sabha in the last two decades. How does the public domain react to this process of expansion of democracy? We posed this question to the public

intellectuals drawn from diverse walks of life through the questionnaire that we sent them.[31] We sought their response in an order of rank rather than exclusion (see Table 2.15).

Table 2.15 OBCs and their Impact on the Lok Sabha

The entry of the OBCs to the Parliament has brought to it (rank your responses)					
Impact	*1st Preference*	*2nd Preference*	*3rd Preference*	*4th Preference*	*5th Preference*
Greater diversity	39	27	27	6	0
More tension and violence	16	6	13	26	19
Better representativeness	33	25	29	10	1
Greater efficiency	1	6	5	24	40
Intense popular aspiration and demands	31	30	23	7	4

Source: Questionnaire administered to public intellectuals.
Note: No response = 6; No prioritization = 5.

There is a deep fissure in the response of the 'public' to the inclusionary thrust of democracy in India. The large-scale throwing open of the Lok Sabha to the OBCs has definitely led to the decline of the power of the traditional elite in India. An overwhelming proportion of our respondents feel that it reflects the diversification of the Indian polity and enhanced the representative character of the House. They also concede that it has led to the broad-basing of Indian democracy. However, hardly anyone is prepared to accept that it has enhanced the efficiency of the Parliament. The public domain in India primarily made of the middle class, therefore, sees a cleavage between representation and efficiency. While enhanced representation has a value preference attached to it and perceived positively to that extent, such inclusion is not seen as enhancing the efficiency of the House. In fact, there is a significant minority which feels that OBC inclusion has increased tension and violence in the House and led to the decline of the virtues of public institutions. This 'public' that we elicited response from and which informs India's civil society is deeply ambiguous and in many ways troubled by the expansionary thrust of Indian democracy.

Overall, it is important for us to note that in India nearly 50 per cent of the members of the Lok Sabha as a whole have no chance of getting re-elected if the relative strength of political parties in the House remains stable after an election. However, when there are major electoral waves the incumbent members of the House, and particularly of the ruling party, are likely to face a defeat rather than a victory in the hustling, if they re-contest the elections. Table 2.16 illustrates the same for the successive elections. This turnover suggests that one needs to be wary of making absolute judgements about the

character of the House and at the same time be realistic about the possibility inherent in the institution to bring about significant changes from within.

Table 2.16 Re-election from the Preceding Lok Sabha, 1957–2004

Election Year	*Seats Contested*	*Re-elected*	*Chance of Re-election*
1957	482	219	0.45
1962	491	N.A.	N.A.
1967	515	N.A.	N.A.
1971	518	268	0.52
1977	540	142	0.26
1980	544	143	0.26
1984	544	237	0.44
1989	529	162	0.31
1991	509	249	0.49
1996	543	199	0.37
1998	545	253	0.46
1999	543	270	0.50
2004	552	230	0.42

Sources: Malhotra (ed.), *Fifty Years of Indian Parliament*, p. 125; and Election Data from http://www.eci.gov.in/, accessed on 10 April 2009.

* * *

This chapter demonstrates beyond any doubt that there was a plebianization of the composition of the Lok Sabha over time. In a way there were deep cleavages in the Lok Sabhas of the 1950s: there were representatives hailing from privileged backgrounds of education, caste, and class on one hand, and resources garnered through the national movement on the other. A vast majority of them were males. They invoked the reason of the nation to claim the status they occupied. The nation they claimed to speak for, however, was flat and undifferentiated and necessarily supported a majoritarian and privileged point of view.[32] There was another segment—moderately or little educated, more rural than urban, local, low caste, and confined—who in a way acted beholden to the elite. There were other peripheral segments hailing from varied ideological backgrounds, women, and representatives of reserved castes who did not enjoy much of a presence in the House, and if they had, it was mainly formal.[33] The OBCs were still far away from any effective representation. Those who hailed from rural areas largely allowed themselves to be represented rather than represent the masses with whose votes they had entered the portals of the House. In the 1970s, dramatic changes were visible in the composition of the House. The influence of Western education and those of the great centres of learning in India was decisively on the decline. Social cleavages had come to assert themselves. There was a sense of loss of faith and betrayal with the nation's promises to the many. At the same time,

in several ways, the old order was resisting changes and at least a segment of the old elite—upper caste, landed, and the loquacious—were trying to hold on to power. There were few social resources in the hands of the dominant classes to sustain their dominance when the idea of the nation had come to be contested from within, and other institutions were finding themselves incapable of sustaining and shoring up the existing order. There were attempts to employ the discourse of socialism through the state to sustain a mode of dominance which proved not merely authoritarian, but highly centralizing as well. The delicate balance between public institutions which was being worked out was upset in the process. The great struggles of the 1970s were not merely a response to the failure of the nation to keep its promise, but also against the ways adopted to shore up national unity. The 1970s remained a twilight zone in more than one way.

A close look at the social composition of the Lok Sabha in the 1990s clearly shows major changes. Educational accomplishments of members were diverse and multiple; many of them were much more tuned to professional and technical competence; the urban–rural divide was thinning out and members of the House bore impressive academic credentials in comparison to the population as a whole. Many of the members were engaged in multiple professions and pursuits. Traditions and status were back in the reckoning. While the proportion of women in the House did not undergo significant changes, most of them now were better endowed educationally and in other competences. There were numerous OBC representatives who were as accomplished as others. And this applies to a small segment of SCs as well. However, the subordinate status of members drawn from the SCs/STs, Muslims, and women persisted in important respects. While the OBCs registered a dramatic growth in the extent of their representation, there was no significant decline in the non-brahmin upper caste representation. Brahmin representation remained relatively fluid, much higher as compared to their demographic weight. The data shows that a fairly large block consolidated itself across caste and regional divide over time whose members were thickly involved in a series of gainful activities which were partly nourished through the resources of the state. Clearly a vast section remained marginal although the marginalized shared few bonds in common. There were times, however, in the 1970s and 1990s when the backbenchers in the House and smaller parties hogged the limelight and indicated the possibilities in store.

NOTES

1. Information on income and civic associations of Lok Sabha members is extremely difficult to estimate accurately. Hence, it is not possible to corroborate any discussion on these factors with reliable evidence.

2. When the term 'number of members' of a Lok Sabha is used, it includes the total number of members of the House for the entire duration of the House including the by-elections. Therefore, often the number of members of a given Lok Sabha has been in excess of the sanctioned strength of the House.

3. It is not very surprising that precisely these regions witnessed an upsurge of major tribal movements from the 1970s onwards, and, in recent years, the rise of Naxalism on the one hand, and the growth of the Vishwa Hindu Parishad (VHP) on the other.

4. M.K. Gandhi, Jawaharlal Nehru, Sardar Patel, B.R. Ambedkar, Rajendra Prasad, and others were all lawyers.

5. In the early 1950s, the term 'landlord' as a mark of self-description had not yet acquired pejorative connotations as it did from the late 1970s onwards.

6. The caste background of 7.4 per cent of the Members of Parliament in the first Lok Sabha and 3.8 per cent in the second Lok Sabha was not available. But none of them could be SCs or STs as their identity was not in doubt.

7. In the absence of caste-based data, the population of any caste or caste grouping is largely a surmise. The population of SCs and STs and those of religious minorities, however, is found in the censuses. The Mandal Commission identified 3,248 castes or communities comprising 52.4 per cent of the population as backward, which included sections of religious minorities as well (see Government of India [GoI], *Report of the Backward Classes Commission*, vol. I, Part 1, New Delhi: GoI Publication Division, 1980, pp. 41–2.) According to the 2001 census, the population of SCs and STs is 24.4 per cent and that of the religious minorities is 19.5 per cent. The NSSO, 61st Round Survey in 2004–5, indicated that the OBCs are about 40 per cent of the country's population.

8. See Paul Brass, *Caste Faction and Party in Indian Politics* (New Delhi: Chanakya, 1984). Also see D.L. Sheth, 'The Crisis of Political Authority', in Rajendra Vora and Suhas Palshikar (eds), *Indian Democracy: Meanings and Practices* (New Delhi: Sage Publications, 2004), pp. 55–7.

9. See B.D. Graham, *Hindu Nationalism and Indian Politics: The Origins and Development of the Bharatiya Jana Sangh* (Cambridge: Cambridge University Press, 1990) and Craig Baxter, *Jan Sangh: A Biography of an Indian Political Party* (Philadelphia: University of Pennsylvania Press, 1969).

10. See Krishna Sahai, *Socialist Movement in India* (New Delhi: Classical Publishing Company, 1988).

11. See Lloyd I. Rudolph and Suzanne H. Rudolph, *In Pursuit of Lakshmi* (Chicago: University of Chicago Press, 1987).

12. See James Manor, 'Pragmatic Progressives in Regional Politics: The Case of Devraj Urs', *Economic and Political Weekly*, vol. 15, nos 5–6, Annual, 1980, pp. 201–13.

13. See Javeed Alam, *Who Wants Democracy?* (New Delhi: Orient Longman, 2004), pp. 27–8.

14. See Francine R. Frankel, *India's Political Economy: 1947–2004*, 2nd edition (New Delhi: Oxford University Press, 2005), pp. 491–547.

15. The peasants uprising in Naxalbari in 1967 led to several fractured expressions in early 1970s.

16. Rudolph and Rudolph, *In Pursuit of Lakshmi*.

17. Brass, *Caste Faction and Party*.

18. The image of the politician as uncouth, avaricious, a bully to the weak but crouching to the strong was to be formed during this period.

19. This representation of the minorities, very close to their proportion of the population as a whole, played no less a role in the slogan of 'minority appeasement' that was heard loudly in the 1980s.

20. This tilt towards the upper castes came to be avenged in the next Parliament. Slogans of anti-minority appeasement on the one hand, and denouncing the domination of upper castes, on the other, were to become pronounced stances in the Indian polity in the 1980s.

21. The BSP won three seats in the 1989 elections, Bijnore and Azamgarh in Uttar Pradesh, and Phillaur in Punjab, winning 2.07 per cent of the votes. The party had a setback in 1991 when it won only two seats in the House.

22. See Baxter, *Jan Sangh: A Biography*; Graham, *Hindu Nationalism and Indian Politics*; and Thomas Bloom Hansen and Christophe Jafferelot, *The BJP and the Compulsions of Politics in India* (New Delhi: Oxford University Press, 1998).

23. In 1996 when a coalition government came to power, the Janata Dal, the leading party in the coalition, commanded only 45 members in the Lok Sabha, less than 10 per cent of the strength of the House.

24. Yogendra Yadav, 'Understanding the Second Democratic Upsurge: Trends of Bahujan Participation in Electoral Politics in the 1990s', in Francine R. Frankel, Zoya Hasan, and Rajeev Bhargava (eds), *Transforming India: Social and Political Dynamics of Democracy* (New Delhi: Oxford University Press, 2000), pp. 120–45.

25. One of the obvious instances in this regard is the Gujarat riots. For an account of the approach of the BJP to this issue, see Martha Nussbaum, *The Clash Within: Democracy, Religious Violence, and India's Future* (Harvard: Harvard University Press, 2004).

26. The controversy concerning textbooks of the National Council of Educational Research and Training (NCERT) was one of the most significant reflections of such an attempt. For a perspective on this issue, see Krishna Kumar, 'Judicial Ambivalence and New Politics of Education', *Economic and Political Weekly*, 6 December 2003, pp. 5163–6.

27. Camps were held in Pachmarhi in September 1998 and in Shimla later. During both these meetings, the Congress resolved to pursue a politics of alliances with other like-minded parties, and in this way acknowledged that one-party dominance was not an available option under the given political realities.

28. Many of these degrees and entitlements were awarded by the traditional schools of learning. Some of these institutions continue the traditional way of imparting education in spite of the rise of modern institutions of higher learning. Some of their degrees and awards have come to be recognized by different universities in India, sometimes with minor adjustments. The picture has not appreciably changed even today.

29. In the 14th Lok Sabha, while 65.6 per cent of the members declared their place of birth as a village, only 30.6 per cent stated that their permanent address was in a village. Nearly 70 per cent stated that their permanent address was in a metro, state capital or urban locality.

30. Arun Shourie, *The Parliamentary System: What we have Made of it What we can Make of it* (New Delhi: Rupa & Co., 2007), p. 75.

31. For details regarding the questionnaire, see the 'Introduction' to this volume, pp. 16–17.

32. For the elaboration of this argument, see Iris Marion Young, *Justice and Difference* (Princeton: Princeton University Press, 1990).

33. In the first Lok Sabha a majority of the candidates for reserved seats were elected unopposed and belonged to the Congress Party.

3 Changing Conception of Representation

Issues, Concerns, and Institutions

THE IDEA OF representation is one of the most elusive and contested political notions, deeply implicated in conceptions of public life today. The understanding of representation is varied and context-bound, and in a post-colonial setting, such as that of India, representation involves specific concerns distinctive to such contexts. Representation embodies the idea of responsiveness, that is, sensitivity to and accommodation of public opinion in the formation of public policy and functioning of government. This responsiveness, as Hannah Pitkin observed, need not be a constant activity in a representative democracy, but 'there has to be a constant condition of responsiveness in the sense that the potential readiness of the representatives to respond is ever present'.[1] Proponents of the elitist conception of democracy, however, do not regard it as central to the conception of representation. They think that Parliament should resist populist demands and may even have to bear the cost of short-term unpopularity.[2] Responsiveness is not limited to periodic electoral endorsement. Parliament and elected representatives play a major role not merely in responding to, but reconciling conflicts of opinion and interests, reaching out to people in crises, and even in airing the views of their constituents in the public domain. Splits in Indian political parties have often been defended on such grounds. Sometimes representation may be conceived of in a narrow instrumental sense as a distribution of and arbitration over social goods, or, more broadly, as laying down principles and policies for such distribution and arbitration. Representation is closely bound with the issue of accountability and such accountability, while remaining within the bounds of law, need not be exhausted by representation and may take on other hues.[3]

Electoral representation may involve tension between party partisanship on one hand, and upholding the interests of the constituency that a member

regards as his own on the other. In a diverse country like India, representation may spill beyond the territorial constituency one represents although he/she may be voted by its electorate, begetting tension between the representative and the electorate itself. It is extremely difficult to determine whether a representative remains one after a time although he might have been elected with a large majority. Even if we leave out of account the agency of the representative giving rise to evaluation and change of course, it is foolhardy to believe that since the voter knows the duration of representation, he/she is able to anticipate what may occur during the period.

Representation is also deeply caught in power and decides who gets what, when, and how. The idea of popular representation therefore carries within it the seeds of profound alternation in the existing configuration of social relations. Representatives not merely make public decisions, but also largely decide how public decisions have to be made. Besides, modes of decision making may prop up a social group to interact with others, seriously questioning the identity and strivings of another. The process of representation, therefore, may not merely make an identity critical but draw identities to the centre stage as well. If a social group is excluded from participation in public decisions, it may not merely affect its immediate say but permanently incapacitate it by reformulating or reinforcing a set of rules not conducive to its participation. The notion of the 'other' is available, however, to umpteen possible constructions. Representation through presence can lead to fierce competition among different groups with snowballing effects, with issues flagged off and identities set in motion highlighting different conceptions of selfhood. Representation is therefore necessarily caught in a field of contestation. What representatives individually and collectively think they are representing is an important input into this contestation as well.

CONSIDERATIONS ON REPRESENTATION AND INDIAN NATIONALIST DISCOURSE

In spite of the triumph of representative democracy, the idea of representation still remains profoundly contested: can representation be a viable way of expressing interests, perspectives, and understanding when one upholds the separateness of persons and their ability and right to make their choices? Given the plurality of such choices, which could be in conflict, and the difficulty of realizing all of them, questions such as the following cannot be avoided: which of these choices should be given more priority and allotted public resources? Should a representative uphold the interests of merely his supporters, all the electors of his constituency, including of the future generations, or of a larger region and nation of which his constituency is an integral part? What should he or she choose if there is a conflict between such demands of representation? How can a representative keep abreast with the changing interests of his

constituency as a whole, even if he or she does it at the time of elections? How is one sure that the understandings of the electorate of his/her constituency do not change over time? Are some interests prior to and superior over other interests? Representatives generally hail from a social group, class, community, and caste. Can he or she outgrow rootedness in those social clusters and claim to represent the interests of the entire constituency?

Some of these issues have been given authoritative answers already in the great literature on representation that developed in the later part of the nineteenth century. Importantly, such literature had a deep impact on the Indian national movement. Mill in his *Representative Government* had put forward the argument that a government is expected to perform two main functions: it must use the existing skills and qualities of citizens to best serve their interests, and it must improve the moral, intellectual, and active qualities of its citizens. He thought that only a representative government can fulfil both these objectives.

These and other arguments on representation were to greatly influence the Indian system. In the nationalist movement, the issue of separate representation loomed large, opposed by some and supported by others.[4] In fact the different commissions, committees, and platforms that had been constituted to enhance representation in India—Southborough Committee, Simon Commission, Round Table Conferences, and Lothian Commission—centrally invoked much of the debate on representation while formulating their recommendations.[5] In fact certain thinkers in India even attempted to reverse Mill's arguments for representation to plead for more effective representation of minorities and deprived groups after the Southborough Committee report.[6]

The legislature is by far the most visible site of any representative democracy, and a directly elected popular house like the Lok Sabha is particularly so. What was the notion of representation that foregrounds the formation of the Lok Sabha, and what have been the significant changes in this understanding over time? Who represents and who is entitled to represent? These are important issues and they were flagged in India early on.[7] Ambedkar advanced the following argument before the Southborough Committee in 1919:

> In a territorial constituency … a majority of vote will declare a candidate to be representative for the constituency in question. Now the question arises, is such a candidate, a true representative of the groups covered by the territorial constituency? Is he a true mirror of the mind of the constituency? Is he a representative of all the interests in the constituency? To be concrete, will a Hindu candidate represent a Mohammedan interest?[8]

During the course of the national movement, minorities thought that separate electorates provided accountable and authentic representation to them, while this idea was repugnant to the Congress. The idea of federalism as a mode of political representation went through a deeply contested detour in India

eventually leading to partition. While some canvassed for some sort of proportional representation,[9] such an idea was acceptable to others only in a qualified sense. Ayesha Jalal has argued that for the Muslim League proportional representation made sense only in the case of Muslim minority provinces and to some extent in the central Legislature. Mere proportional representation was hardly acceptable to Ambedkar who said,

> if the legislative council was a zoo or a museum where a certain number of each species was to be kept, such a theory of representation would have been tolerable. But it must be recognized that the legislative council is not a zoo or museum. It is a battle ground for the acquisition of rights, the destruction of privileges and prevention of injustice. Viewed in this light a minority may find that representation is in full measure of its population yet it is so small that in every attempt it makes to safeguard or improve its position against the onslaught of a hostile majority it is badly beaten.[10]

How to reconcile group identity with representation became one of the most contentious issues during the nationalist struggle. The minorities were not reconciled to the idea of universal rights of citizenship. The famous stand-off between Ambedkar and Gandhi that started off at the Round Table Conference (RTC) and eventually led to the Poona Pact rested upon some fundamental questions regarding representation. Gandhi argued at the RTC, 'I claim to myself in my own person to represent the vast mass of untouchables … and I claim that I would get, if there was a referendum of untouchables, their vote and that I would top the poll'.[11] Ambedkar retaliated saying, 'I cannot deny the allegation that we are nominees of the government but, speaking for myself, I have not the slightest doubt that even if the depressed classes in India were given the chance of electing their representative to this conference, I would all the same find a place here. I say therefore that I fully represent the claims of my community. Let no man be under the mistaken impression as regards that'.[12] Therefore, even if a member is nominated the reality check lies in the approval from his constituency.

Representation became an important issue in the *Constituent Assembly Debates* (*CAD*) and it was not certain, even after Pakistan became a reality, which conception of representation would eventually triumph. Separate electorates in the form that came to prevail in India were far too strongly associated with the colonial policy and were scorned by the Congress. It was not acceptable to the new dispensation, at least in the form it was bequeathed under the colonial policy.[13]

In the Constituent Assembly, there were several positions on the issue of representation. One of the dominant views, which was sometimes termed nationalist and included even members of minority communities, was that citizenship and representation in India should ignore all markers of identities, such as sex, religion, language, and culture, and be treated alike. This position was upheld, say, by Rajkumari Amrit Kaur and Gobind Vallabh Pant. The

latter countered group-related claims saying, 'we have even forgotten that the citizen exists as such. There is the unwholesome, and to some extent degrading habit of thinking always in terms of communities and never in terms of citizens'.[14]

There was a middle position defended by persons like K.M. Munshi who, while advocating a broad range of rights to the practice of religion, and cultural and educational rights for religious and linguistic minorities, rejected any reservation for these minorities in legislative bodies. He and his ilk built up the argument that once religious and cultural expression are guaranteed, there was no need for any special representation.

Till the Nehru Committee Report of 1928, the generally agreed response to community-based claims was proportional representation.[15] This system it was felt resulted in a better proportionality between the number of votes a party obtained and the number of seats it got in the Legislature, and would favour minorities. The demand for proportional representation came up in the Constituent Assembly when a member moved an amendment saying, 'provision be made for conducting all elections on the system of proportional representation by single transferable vote'.[16] D.H. Chandrasekharaiah argued that proportional representation would make the legislature truly democratic and representative of all important elements and interests in the country. This proposal came up for serious consideration in December 1948 when minority safeguards of the draft constitution were debated in the Constituent Assembly. When Sardar Hukum Singh made a fervent plea for proportional representation, it was seen as a safeguard against stooges from minority communities being proposed as candidates.[17] There were several members such as Quazi Syed Karimuddin, K.T. Shah, and Z.A. Lari who supported this form of representation. Such a demand for proportional representation was finally turned down on the ground that it was very close to the idea of separate electorates. There were others such as Ambedkar who rejected it on other grounds, such as widespread illiteracy in India, the fear of fragmentation of the Legislature into many groups, and increased instability. People like Nehru were deeply sympathetic to the first-past-the-post majoritarian position and argued for creating a condition of 'inner sympathy and fellow feeling of the majority for minorities'.[18] The trade off to the demands of minorities was seen as a set of constitutional rights rather than proportional representation. Shefali Jha feels, 'the battle over a system of representation more adequate to safeguard the interest of religious minorities was lost, apparently because the struggle to establish collective rights for minority religious groups was won even in the teeth of strong opposition'.[19] However, there was little chance of differential rights becoming foundational as equal rights at this juncture due to the supposed association of the former with separate electorates under the colonial regime and the failure of the leadership to negotiate equality of citizenship

with the recognition of distinct identity of Muslims that the Muslim League subscribed to. Eventually group representation in Indian polity came to be far too strongly associated with disadvantaged groups than with difference and the legitimate claim of the latter to be equally present.

The increasing collapse of representation to majoritarianism under conditions of a weak regime of rights, and limits of liberal representation and its imperviousness to social realities of exploitation and marginality have continued to remain significant concerns in independent India. The focus of attention has shifted to the scope and quality of representation in recent years.[20] In many ways the issues thrown up in the *CAD* continue to be pertinent even to this day.

Representatives are the guardians of common good and the test of representation lies in the extent to which it can restrain partisan interests from monopolizing the common good. While common good cannot disregard individual good, the former is not merely the sum total of the latter. It is through a process of discussion and reflection that we formulate what common good is. Concerns of representation need to be balanced with other equally valid pursuits. Therefore representation is necessarily a deliberative act rather than merely being an aggregative one. Besides, representation is bound with a body of institutions and is manifest in specific discourses which shape its form and quality. The changing nature of institutions and processes tell us much about the changing nature of representation. When a representative decides to make a case for the good of his constituents, he becomes responsible for negotiating the same with the common good, or, for that matter, whether the common good itself has to be redefined to meet his constituency's requirements.

Common good is not a store house but is constantly defined by the *demos* (Greek for people) through their representatives. Whether representatives are able to perceive common good correctly is manifest in the electoral verdict to an extent but also in the consonance of such perception to the moral values and principles foundational to a polity. Informed and critical public opinion can be one of its indicators. Issues central to common good might undergo transformation over time and it is important to denote this shift if we want to assess the extent of representation at a point of time. While expansion of the electorate can help us to elicit common good with the participation of many and enable them to define it for themselves, the relationship between representatives and popular will is much more dynamic in character. For effective representation, the other factors mentioned earlier need to be taken into account. It is also important to note that often diversity cannot be represented unless it is factored into the mode of representation. Majoritarianism can easily collapse into upholding the interests of many leaving the others in the lurch. Such considerations make representation one of the most complex

and loaded political concerns. We wish to put the idea of representation to test in India by following certain processes of representation and identifying key issues of concern of the Lok Sabha during certain crucial periods.

As in the earlier part of this study, we assume that significant changes in the Indian Parliament took place during three phases: the 1950s, 1970s, and 1990s. These changes are explored by looking at the following variables: the changing profile of the party system; the idea of nation; approach to federal institutions; the problem of diversity; rights and beliefs; and the idea of progress and development. All these ideas do not have the same import across all the phases and other considerations intervene. But they recur constantly and consistently across all the three phases. The relevant reflections and views of public intellectuals which we have gathered through a questionnaire are considered here to the extent that they pertain to the issue of representation. Similarly, the views of several experienced Parliamentarians on this issue figure prominently in this chapter.

MODES OF REPRESENTATION

Political parties are crucial devices in modern times to operationalize the complex issue of representation. They are supposed to be instruments to aggregate preferences, fathom considered viewpoints on them, and suggest viable mechanisms to understand and perform public good. They are gatekeepers of responsiveness but such responsiveness can become distorted in several ways. Often, in the way political parties function, popular mandate is construed in ways far removed from garnering preferences. Once a representative is chosen by his/her constituency, she/he may tend to act as per the wishes of the political party that he belongs to rather than the wishes of the constituency or what he/she thinks is the good of the polity as a whole. Besides, parties are modern organizations with their own established traditions, leadership, factions, and modes of working. Eventually, the idea of representation may have to negotiate through such complex mechanisms and may be far removed from the collective interest of the constituency.

Such regulatory frameworks, whether a polity is unitary or federal, profoundly influence ways of representation. In India, the Rajya Sabha was envisaged as representing collective interests of states while the Lok Sabha that of the people as a whole. But this kind of division of labour has scarcely come to be realized.[21] Given the nature of representation in India, which is deeply caught in regional cultures and with the additional concerns of development, a member of the Lok Sabha can hardly set aside considerations based on the interests of their respective states as state identity has become consolidated over time. Such neglect would prove ruinous to any Member of Parliament (MP).

The Indian electoral system uses the first past the post system (FPPS) or, more technically, a single member simple plurality system (SMSP). While such a system has a well-known majoritarian bias, vote aggregation at a single member constituency takes place from diverse clusters. It provides clout to ethnic groups, even though they are thinly distributed, particularly in closely fought contexts.

LIMITED CONCEPTION OF REPRESENTATION IN THE 1950s

Political Parties and the Issue of Representation

The party system in India underwent radical changes over time and, accordingly, the issues and range of representation they upheld. Erstwhile units went out of reckoning and new units emerged.

Party System in the First Two Lok Sabhas

We have referred to Kothari's description of the party system in the early years of independence as the one party dominant system.[22] While it holds good as a formal description, it tells us little about the substantial orientations of political parties and nature of representation at the time.

Party wise, we can identify six types of entities in the first Lok Sabha and to some extent in the second: (*a*) parties with focus on nation and equal citizenship; (*b*) parties with focus on the nation but prevaricating on equality of citizenship; (*c*) parties upholding autonomous regional identity; (*d*) feudal parties; (*e*) interest-based parties; and (*f*) independents. The most important parties with national focus and stress on equal citizenship were the INC, CPI, the SOC, KMPP, and RSP (see Table 3.1). Some of these parties may have been small but they all had an all-India perspective and programmes. Among them the INC was the dominant party with 342 members. The second largest party, the CPI with 16 and 27 members in 1952 and 1957 respectively, was far behind the Congress. Among the parties that had a national focus but prevaricated on equality of citizenship, the BJS stood out. Parties which upheld regional autonomy and identity were the SAD, the JHP, Dravidian Federation of South India, and so on. The notion of autonomy and regional identity that they upheld was heavily marked by certain tendencies of the national movement and could not be wholly reconciled to the organization of the federal polity in India. The stress on a shared regional culture had its bearing on equal citizenship. Prominent among interest-based parties which claimed to speak for the care of determinate social groups were the BJS, Akhil Bharatiya Hindu Mahasabha (ABHM), Scheduled Castes Federation, Nikhil Utkal Adibasi Congress, and others. The intensity and extent of invocation of interest, however, varied. Some

Table 3.1 Political Parties in the Lok Sabha, 1952–7

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
Indian National Congress (INC)	364	74.44	45
Bharatiya Jan Sangh (BJS)	3	0.61	3.1
Communist Party of India (CPI)	16	3.27	3.3
Socialist Party (SOC)	12	2.45	10.6
Kisan Mazdoor Praja Party (KMPP)	9	1.84	5.8
Jharkhand Party (JHP)	3	0.61	0.7
Janata Party (Bihar) [JP (B)]	1	0.20	0.2
Lok Sewak Sangh (LSS)	2	0.41	0.3
All India Scheduled Castes Federation (AISCF)	2	0.20	2.4
Peasants and Workers Party (PWP)	2	0.20	0.9
Tamilnadu Toilers Party (TNTP)	4	0.82	0.8
All India Forward Bloc (Marxist Group) FBM	1	0.20	0.8
Muslim League (MUL)	1	0.20	0.1
Commonwealth Party (CWP)	3	0.61	0.3
Ganatantra Parishad (GP)	5	1.02	0.9
Shiromani Akali Dal (SAD)	2	0.41	1.0
Akhil Bharatiya Hindu Mahasabha (ABHM)	4	0.20	0.9
People's Democratic Front (PDF)	7	1.43	1.3
Ram Rajya Parishad (RRP)	3	0.61	2.0
Krishikar Lok Party (KLP)	1	0.20	1.1
Revolutionary Socialist Party (RSP)	3	0.20	0.4
Tamilnad Travancore Congress Party (TTNC)	1	0.20	0.1
Independents	38	7.77	15.9
Total	489	100	

Sources: *Who's Who of the Fourteenth Lok Sabha* (New Delhi: Lok Sabha Secretariat, 1962); and Election Commission Reports.

of the parties were feudal in character supported by erstwhile rulers such as the Ganatantra Parishad (GP).[23] The first two Lok Sabhas had a large number of independents. Most of these independents won the elections by appealing to traditions and customs of specific localities, positioning themselves to competently represent them. As Indian democracy began to strengthen, the number of independents who came to be elected to the Lok Sabha in this way dwindled.

In the second Lok Sabha (see Table 3.2), the Congress returned with a majority to the House and increased in numbers. The Communists added a few more seats to their tally. The Praja Socialist Party (PSP), formed by merging KMPP and SOC, did not make much of a dent in the number of seats won in the Lok Sabha. In fact, division in the party persisted in spite of the PSP winning a larger number of seats. Among the parties arguing for regional autonomy and identity, the Jharkhand Party consolidated its hold and the Dravida Munnetra Kazhagam (DMK) made its presence felt.

Table 3.2 Political Parties in the Lok Sabha, 1957

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
INC	371	75.10	47.8
PSP	19	3.85	10.4
CPI	27	5.47	8.9
BJS	4	0.81	5.9
PDF	2	0.40	1.0
JHP	6	1.21	0.6
Chota Nagpur and Santhal Parganas Janata Party (CSPJ)	3	0.61	0.4
AISCF	6	1.01	1.4
PWP	4	0.81	0.8
ABHM	1	0.20	0.9
GP	7	1.42	1.1
FBM	2	0.40	0.6
Independents	42	8.50	19.4
Total	494	100	

Sources: *Who's Who of the Fourteenth Lok Sabha*; and Election Commission Reports.

The interest-based parties that continued to survive were the BJS, Scheduled Castes Federation, PWP, and the ABHM. Feudal Parties such as GP did not show signs of decline. Independents still held on and even added to their tally both in terms of the number of seats won as well as the percentage of votes.

If we view political parties as modes of representation, we can identify the following trends in the 1950s: there was an overt focus on the nation as the parties that stressed on national unity secured the largest numbers of votes as well as seats. Representation, therefore, meant securing and upholding a good, and in this case, nation was such a good. There were, however, major differences in the understanding of the nation, for instance, between the Congress, the CPI, and BJS. While the Congress avowed a conception of nationalism based on equal citizenship, at the same time it attempted to accommodate within this the ideas of a shared culture and group identities. The Communists differed among themselves with regard to the status of India as a nation, the progressiveness of the Indian bourgeoisie to encompass the masses within the national ambit, and bringing about radical social transformation. The BJS argued that Hindus, who are the majority community, should be foundational to the idea of nation. Besides, a party such as the Congress accommodated numerous pre-national identities and interests through factions operating within it. There was also a great deal of trafficking between factional and national representation. In some parts of the country, regional identities had sharply come into focus but they were relatively more amenable to be inserted in the idea of the Indian nation in popular imagination. Elsewhere, in formulating a regional identity, an alternative conception of Indian nationhood was

employed, instead of merely subscribing to a uniform and undifferentiated conception of the nation as such.[24] When the SAD or the DMK emphasized their regional identity, they were at the same time fighting for an alternative understanding of the nation.[25] To the extent that parties did not fall in line with an overriding conception of the nation and asserted their right to dissent or advance an alternative understanding of the nation, rights came to be invoked particularly by the opposition and the smaller parties. Such a conception of representation, however, underwent major changes subsequently.[26] The feudal parties succeeded to an extent in halting the march of democracy and ensuring the continuance of the perks and privileges of their patrons.Often the support they enjoyed from a faction within the Congress greatly enhanced their effectiveness. In such instances, representation came to be an investment into authority. Interest-based parties were of various kinds and they ranged from those that argued for the interests of certain communities, such as Hindus, as BJS did, to the Scheduled Caste Federation which stood for preferential considerations towards Dalits. While a large number of independents belonged to a feudal past, there were a few whose choice of being a representative was based on their personal achievement and the services they rendered to the community. Overall, the party system became one of the important modes of representing the diversity and difference in India.

Representation and State Units

The transition from the first Lok Sabha to the second Lok Sabha was interjected by the reorganization of several federal units in India. The formation of some of these units took place following widespread popular agitations. There was extensive support in the Lok Sabha for the reorganization of states on the basis of language.[27] Following the reorganization of the states, the formal representative character of the Lok Sabha underwent a sea-change although it was little perceived as such in the context. The kind of significance a state like Uttar Pradesh came to wield in the Lok Sabha cannot be understood without taking into account the numerical weight of its representatives. Table 3.3 provides an overview of the extent of representation of different state units in the Lok Sabha and the changes in this regard over time.

Table 3.3 demonstrates that while state representation remained relatively stable, there were significant changes in it over time. New state units had their impact on others and the extent of representation of existing units underwent changes accordingly. Besides, till as recently as 2001, the extent of representation of a state mainly depended upon its population. Given the unevenness of population growth in states, those which had higher demographic growth tended to have greater representation in the Lok Sabha.[28]

Table 3.3 States and Lok Sabha Cross-tabulation, 1952–2009 (for relevant decades)

	1952–7	*1957–62*	*1971–7*	*1977–9*	*1980–4*	*1991–6*	*1996–8*	*1998–9*	*1999–2004*	*2004–9*
N.A.		12	1	–	–	–	2	2	2	–
	377.0%	2.2%	0.2%	–	–	–	0.4%	0.4%	0.4%	–
Andhra Pradesh		44	41	27	43	42	42	42	44	42
	529.8%	8.2%	7.4%	5.4%	7.6%	8.02%	7.8%	7.7%	7.7%	7.78%
Bihar	56	54	57	50	58	52	54	55	40	40
	10.5%	10.1%	10.3%	10.0%	10.3%	9.92%	10.0%	10.1%	7.0%	7.41%
West Bengal		38	42	40	45	42	41	42	45	42
	356.6%	7.1%	7.6%	8.0%	8.0%	8.02%	7.6%	7.7%	7.9%	7.78%
Tamil Nadu		42	42	33	40	39	39	40	42	39
	478.8%	7.8%	7.6%	6.6%	7.1%	7.44%	7.2%	7.4%	7.4%	7.22%
Madhya Pradesh		38	39	42	42	40	40	39	30	29
	407.5%	7.1%	7.1%	8.4%	7.4%	7.63%	7.4%	7.2%	5.3%	5.37%
Maharashtra		72	50	46	52	48	49	48	50	48
	448.3%	13.4%	9.0%	9.2%	9.2%	9.16%	9.1%	8.8%	8.8%	8.89%
Delhi		6	7	7	7	7	7	7	7	7
	40.8%	1.1%	1.3%	1.4%	1.2%	1.34%	1.3%	1.3%	1.2%	1.30%
Uttar Pradesh	86	88	87	79	90	84	85	86	83	80
	16.2%	16.4%	15.7%	15.7%	16.0%	16.03%	15.7%	15.8%	14.6%	14.81%
Kerala		18	19	18	20	20	20	20	21	20
	112.1%	3.4%	3.4%	3.6%	3.5%	3.82%	3.7%	3.7%	3.7%	3.70%
Goa	N.A.	N.A.	2.4%	2.4%	2.4%	20.38%	2.4%	2.4%	2.4%	20.37%

Punjab	234.3%	224.1%	142.5%	122.4%	122.1%	N.A.	132.4%	132.4%	132.3%	132.41%
Karnataka	132.4%	264.9%	305.4%	285.6%	295.1%	285.34	275.0%	285.2%	295.1%	285.19%
Rajasthan	213.9%	234.3%	224.0%	244.8%	285.0%	254.77	254.6%	234.2%	274.7%	254.63%
Assam	122.3%	142.6%	162.9%	142.8%	81.4%	142.67%	132.4%	142.6%	142.5%	142.59%
Andaman and Nicobar Islands	1 0.2%	2 .4%	2 .4%	2.4%	2.4%	1 0.19%	2.4%	2.4%	2.4%	1 0.19%
Orissa	20 3.8%	21 3.9%	21 3.8%	20 4.0%	21 3.7%	21 4.01%	22 4.1%	21 3.9%	22 3.9%	21 3.89i%
Gujarat	8 1.5%	N.A.	28 5.1%	24 4.8%	27 4.8%	26 4.96%	26 4.8%	27 5.0%	28 4.9%	26 4.81%
Sikkim	N.A.	N.A.	1.2%	1.2%	1.2%	10.19%	1.2%	1.2%	1.2%	10.19%
Pondicherry	N.A.	N.A.	2.4%	1.2%	1.2%	10.19%	1.2%	1.2%	1.2%	10.19%
Haryana	N.A.	N.A.	10 1.8%	11 2.2%	11 2.0%	10 1.91%	11 2.0%	10 1.8%	10 1.8%	10 1.85%
Nagaland	N.A.	1.2%	1.2%	1.2%	1.2%	10.19%	1.2%	1.2%	1.2%	10.19%
Jammu and Kashmir	6 1.1%	5.9%	61.1%	61.2%	81.4%	61.15%	61.1%	61.1%	71.2%	61.11%
Chandigarh	N.A.	N.A.	1.2%	1.2%	1.2%	10.19%	N.A.	N.A.	2.4%	10.19%
Himachal Pradesh	8 1.5%	4.7%	4.7%	3.6%	4.7%	40.76%	3.6%	4.7%	4.7%	40.74%

(*contd.*)

Table 3.3 (*contd.*)

	1952–7	*1957–62*	*1971–7*	*1977–9*	*1980–4*	*1991–6*	*1996–8*	*1998–9*	*1999–2004*	*2004–9*
Uttaranchal	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	61.1%	50.93%
Jharkhand	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	162.8%	142.59%
Chhattisgarh	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	101.8%	112.04%
Arunachal Pradesh	N.A.	N.A.	N.A.	2.4%	2.4%	20.38%	2.4%	2.4%	2.4%	20.37%
Tripura	3 0.6%	2.4%	2.4%	2.4%	2.4%	20.38%	2.4%	2.4%	3.5%	20.37%
Manipur	2 0.4%	2.4%	2.4%	3.6%	2.4%	20.38%	2.4%	2.4%	3.5%	20.37%
Meghalaya	N.A.	N.A.	1.2%	2.4%	2.4%	20.38%	2.4%	2.4%	2.4%	20.37%
Mizoram	N.A.	N.A.	1.2%	N.A.	1.2%	10.19%	1.2%	1.2%	1.2%	10.19%
Anglo Indian	3 0.6%	2.4%	2.4%	1.2%	2.4%	N.A.	N.A.	N.A.	N.A.	N.A.
Total	532 100%	536 100%	553 100%	502 100%	564 100%	524 100%	541 100%	543 100%	569 100%	541 100%

Source: Election Commission Reports.

N.A.: Not Applicable/Not Available.

Note: It is important to note that representation from state units remained unchanged from 1976 onwards, unless the states were reorganized or elections came to be delayed or postponed in a specific unit due to internal disturbances. Sometimes a vacancy caused by the death, resignation or removal of a member might have remained vacant. Once such a vacancy was filled up it has been added to the number of representatives from the respective state or union territory. Table 3.3 has to be read with these qualifications in view.

Representing the Nation: Lok Sabha Debates 1952–62

Generally, members of the first two Lok Sabhas thought that they were representatives of the nation as a whole although they were elected from different constituencies. They were enthusiastic about issues that were regarded as national concerns.[29] A look at the issues raised in the first three Lok Sabhas is illustrative of the kind of concerns that dominated the House.

Uniform Conception of the Nation

Debates in the House demonstrate that national unity was understood much more as uniformity rather than accommodating diversity. It was often in the name of national unity that appeals for inclusion were made; differences were not favoured as worthy of such a pursuit. Annie Mascarene (Trivandrum) complained in the first Lok Sabha that women had not been given their political due in independent India.[30] Jaipal Singh of the JHP (Ranchi West) moved an amendment to the President's address complaining that nothing had been done seriously for the implementation of the special provisions of the Constitution pertaining to Adivasis.[31] The stress on national unity often made people appreciate movements and policies which did not highlight cleavages but asserted shared concerns. Colonel Zaidi (Hardoi district northwest cum Farrukhabad east cum Shahjahanpur south) bestowed encomia on Acharya Vinoba Bhave for the Bhoodan movement as conducive to fostering national unity. Acharya Kripalani (Sitamarhi) questioned the policy of preferences in promotions in armed forces and supported merit or seniority in the name of national unity.[32]

Sometimes institutional mechanisms were suggested to strengthen national unity. Prakash Vir Shastri (Gurgaon) urged that some Lok Sabha sessions be held in Hyderabad or Bangalore[33] to foster national unity. The idea of the nation made members adopt very strong stances towards certain concerns like Portuguese colonialism in Goa. N.G. Goray (Poona) criticized the government for its failure to protect the life and property of Indian citizens who were subjected to harassment by the Portuguese government.[34] Many members urged the government to get the Portuguese to leave Goa.[35]

While a unified and homogenous national perspective was the overriding consideration of members, strong differences and disagreements could not be done away with and these simmered beneath the surface. Different conceptions of national interest were already foisted on the public domain depending on one's understanding. In a resolution moved on 21 August 1959 Atal Bihari Vajpayee, for instance, urged the government to take up the issue of Chinese invasion of Tibet to the United Nations. He favoured the Tibetans' right of self determination.[36] Congress leaders such as Joachim Alva (Kanara)

opposed the resolution and warned against building an anti-China lobby in India. Jawaharlal Nehru (Phulpur), the Prime Minister, replied expressing his deep sympathy for the Tibetans, but advocated friendship and cooperation between India and China.[37]

Ambivalence with Regard to Federalism

Some of the central concerns of the first two Parliaments revolved around the federal organization of the Indian polity. G.B. Pant, the Minister of Home Affairs, tabled the report of the Joint Committee on States Reorganization Bill before the Houses and it was published in the Gazette of India on 16 July 1956.[38] On this issue many members were deeply torn between their loyalties to their states on the one hand, and to the nation on the other and this tension was manifest in several ways. C.D. Deshmukh, the Finance Minister, resigned from the Cabinet protesting the decision of the government to separate the city of Bombay from Maharashtra, accusing Jawaharlal Nehru, the Prime Minister, of being party to such a decision. Against the charge, Nehru justified the proposal saying it would help maintain a peaceful relationship between different religious and linguistic communities.[39] Sometimes the concern for national unity was drummed up to settle refugees and immigrants in different states, particularly from East Pakistan (present Bangladesh). Given the tensions that were emerging between states regarding their respective jurisdictions, several members denounced such disputes in the name of national unity. H.N. Mukherjee (Calcutta northeast) questioned the border disputes between Bihar, West Bengal, and Orissa.[40] There were also apprehensions regarding linguistic states and the effect that they might have on national unity. Such apprehensions were widely shared. Mohiuddin (Hyderabad City) objected to the reorganization of states on linguistic lines. Members like M.S. Gurupadaswamy (Mysore) pointed out that carving out regions/states on a linguistic basis may lead to gross unfairness.[41] He argued that as per the States Reorganization Bill, Talawadi in Coimbatore district, Madakasir taluk in Anantapur district, and Kasargod *taluk* in Kerala with predominant Kannada speaking groups would be left out of Karnataka. G.B. Pant talked about the problem of linguistic minorities in states dominated by a linguistic community and its impact on equality of citizenship.[42] Some members such as Mohanlal Saxena (Lucknow cum Barabanki) supported the idea of bilingual states like Bihar and West Bengal, Maharashtra and Gujarat, and others, to overcome this problem. Others contested the very principle of organizing states on a linguistic basis; Uttamchand Ramchand Bogawat (Ahmadnagar south) argued that Marathwada and Vidarbha in Maharashtra were very different cultural regions even though they spoke the same language. He also

pointed out the inexorable tendency of border disputes that would inevitably arise due to organization of states on a linguistic basis.[43] Leaders like Gadgil (Poona central) pointed out the tragic consequences of organizing states on a linguistic basis.[44] He referred to the 400 casualties in Bombay in the wake of the struggle for Samyukta Maharashtra. Against the rising crescendo for regional–linguistic consolidation some members raised the issue of regional disparities, although sometimes such a concern was clearly meant to retain their hold on their fiefdoms. Maharaja Pratap Keshari Deo (Kalahandi), for instance, moved a resolution on regional disparities although it was eventually withdrawn.[45] Representation as an endorsement of national unity therefore made many members, often cutting across party lines, uneasy with the federal thrust that was manifest in linguistic agitations. While linguistic reorganization of the federal polity found much support, there were deep apprehensions about its bearing on other valued pursuits.

Nation as Enclosing Diversity

While the epithet 'unity in diversity' was widely employed to describe the substantive character of the Indian nation, the former term was greatly privileged over the latter by leading lights of the House. There were, however, members who felt that diversity needed to be built integrally into the idea of India. A.K. Gopalan (Cannanore) participating in the debate on the States Reorganization Bill objected to the move to make Bombay a centrally ruled territory, arguing that Bombay should be an integral part of Maharashtra. Some members argued that in a polity of deep diversity such as India, certain conflicts were inevitable requiring political arbitration. Swamy Ramanand Tirtha (Gulbarga) urged the constitution of appropriate institutional devices to decide some of the contentious issues, such as state boundaries.

Several members had no problem in privileging national unity but they did not consider it inimical to diversity. Ashok Mehta (Bhandara), while accepting the necessity of linguistic organization of states, raised the question of integrating minorities, both linguistic and religious, into the mainstream.[46] A plea for appreciating diversity, sometimes, was underscored by members when it was under attack. For instance, N.R. Muniswamy (Vellore) moved a resolution favouring a *dress code* for Lok Sabha members to maintain the dignity of the House. There was pandemonium defending the diverse dress cultures. Eventually the resolution was withdrawn.[47]

There was widespread concern regarding communalism as endangering national unity. S.K. Gopalan (Kasargod), S.M. Banerjee (Kanpur), and several others expressed concern about the communal tensions in different parts of the country, focusing on security of minorities and problems of refugees.[48]

National Unity and National Defence

While there was certain prevarication with regard to the nature of national unity, there was little doubt among members of the Lok Sabha on national security. Nath Pai (Rajapur) and Indrajit Gupta (Calcutta southwest) urged the government to take stern action when Colonel Bhattacharya of the Indian army was arrested at the 24 Paraganas border and convicted by Pakistan on espionage charges. They also accused the government of inaction. At the end of the 1950s, when the Indo-China border dispute started flaring up, several members warned the government against reposing too great a trust on China. Ashok Mehta (Muzaffarpur) criticized the ambiguity in the stand of the Prime Minister and warned against trusting China too much.[49] Dr Susheela Nayar (Jansi) claimed that India was duped by China in 1950 itself during the Panch Sheel Agreement and criticized the Prime Minister and Defence Minister for saying that not a tree grew nor an animal survived in the Himalayan heights claimed by China.[50] On national defence, members of the Lok Sabha rallied together in spite of ideological differences and sometimes Nehru, the Prime Minister, was clearly on the defensive.

National Interests and Rights

Some members argued that India's national unity should not be simply assumed but must rest on certain principles, such as rights. In the wake of Chinese aggression, A.K. Sen, Minister for Law, introduced the Defence of India Bill which sought to provide for special measures to ensure the safety and security of the nation, defence of the country, civil defence, and trial for certain offences. N.G. Ranga (Chittor) expressed strong apprehension on the provisions and the potential misuse of the Bill and demanded respect for citizens' fundamental rights and civil liberties. He objected to a Congress party circular which, according to him, stated that everyone who opposed Prime Minister Nehru was to be regarded a traitor.

There was tension regarding the issue of national unity when the 16th Constitutional Amendment Bill was discussed in the House. The Bill sought to amend Article 19 of the Constitution permitting the government to impose restrictions on freedoms for the purpose of preventing activities that could spell the disintegration of the country, and to make it impossible for political parties to make secession or disintegration of India an election programme or issue. Many members, especially from the South, argued that this provision was enacted to curtail regional language movements and fundamental rights enshrined in the Constitution.[51]

The Communists argued that the province of rights should not be confined to rights enumerated in the Constitution but should be expanded. For

the purpose, sometimes they initiated bills on the rights of the working class. A.K. Gopalan (Kasargod), for instance, moved a resolution on the Beedi and Cigars Labour Bill, which dealt with employment and work in the factories manufacturing *beedis* and cigars. He withdrew the resolution only after the government assurance that demands in this regard would be met.[52] While national unity remained a cherished value for members of the Lok Sabha, there were members, some from the ruling party itself, who stressed the need to qualify such value with respect to citizenship rights. While it is difficult to appreciate the appeal of the language of rights against the entrenched language of desirable ends, we cannot minimize its import given the way measures such as the imposition of Emergency in 1975 came to be resisted subsequently.

National Unity and Mass Movements

The dominant trend in the first two Lok Sabhas was quite indisposed and even hostile to mass movements which claimed that they represented the grievances of the masses. Socialists and Communists, however, argued that the Parliament did not exhaust the role of representation and the inputs of the movements must become integral to the concerns of representation. The hostility of the mainstream was particularly directed at movements which justified militant and violent expression of demands. In the first two Lok Sabhas, therefore, while national unity remained an overriding concern, there were many who made a case for further social inclusion, for the accommodation of diversity, and the strengthening of federalism. Communalism came to be widely decried as endangering national unity. The dominant trend, however, denounced violence in the name of mass demands. The leeway to express grievances and implicitly the scope of representation was seen differently by different people. Swamy Ramanand Tirtha (Gulbarga) denounced the armed struggle in Telengana in the name of national unity.[53] Similarly, Dr Jaisoorya (Medak) accused Communists of committing crimes against each other, crimes which cannot be harmonized with the kind of morality that a nation demanded.[54] Communists, however, were not prepared to accept the kind of obeisance to the nation that Congress demanded and their notion of nationalism. One of the issues that recurred in the first two Lok Sabhas is the treatment meted out to working class protests by the government. The Communists took a lead in articulating their grievances in this regard. S.M. Banerjee, Jagdish Awasti, Prakash Vir Shastri, and A.K. Gopalan raised an adjournment motion on 'Violent Agitation and Firing at People' which killed 11 persons. They also charged the government of mismanaging the flood situation and shortage of food. Further, they accused the government of using the repressive apparatus of the state in a wanton fashion which resulted in 27 deaths in police firing.

Congressmen, on the other hand, accused the Communists of fomenting the trouble leading to such action.[55]

The issues that the opposition raised in the first two Lok Sabhas were significant and creditworthy and have been ignored in the mystique surrounding the Nehruvian regime. The semblance of unity that the first two Lok Sabhas displayed was largely due to the weak nature of the opposition which was further divided within itself. Besides, there was a world shared in common between the ruling party and the opposition. There is no evidence to suggest that the Congress regime was considerate towards the opposition. It wanted the opposition to play second fiddle and not take on the government.[56] In spite of this, the space for dissent that the House marked from the beginning helped the opposition, particularly the Communists, to repose their faith in Parliamentary democracy.

Representation and Preferential Considerations

Political reservation in India, apart from ensuring responsiveness, was meant to assure at least a minimum presence to those excluded from the mainstream due to social prejudice and cultural difference. The first two Lok Sabhas displayed greater sensitivity towards the disadvantaged while being lukewarm to the inclusion of difference. The nationalist mainstream with the Congress party at its head identified the disadvantaged as mainly Scheduled Castes (SCs) and Scheduled Tribes (STs), although there was a strong inclination among some members to solely rest representation on equality of citizenship. There were a few feeble voices that attempted to bring women and minorities too within such a hold-all-category. The STs were perceived as disadvantaged groups rather than as culturally distinct identities. Second, representation was closely related to federal distribution of power. Both these concerns recurred constantly in the Lok Sabha debates.

The presence of SC and ST members in the Lok Sabha in a sizable number resulted in highlighting certain issues centrally. P.N. Rajabhoj (Sholapur) objected to the ignoring of SCs in the inaugural address of the President.[57] Kajrolkar (Bombay City north) pointed out the feeble presence of Harijans in responsible posts.[58] K.T.K. Tangamani (Madurai), who belonged to CPI, sought information on the amount and number of scholarships given to SCs, STs, and Other Backward Castes (OBCs) students since 1947. He felt that the number of these scholarships and the amount allotted to them had remained stagnant and demanded a significant increase in them. He also sought specific criteria for distribution of scholarships among SC, ST, and Backward Communities. The reservation issue continued to be an important concern in the Lok Sabha particularly for SC members. B.C. Kamble (Kopergaon) moved a privilege motion for SC and ST reservation in the Armed Forces. He pleaded

for reservation in the Supreme Court as well.[59] He characterized the absence as 'a breach of privilege because of the non-observance of Article 335 of the Constitution.' The Speaker, however, denied permission to continue the debate on this issue, ruling that there was no such obligation under Article 335 as alleged by the member.

The continued practice of untouchability remained an important concern before the Lok Sabha, although it was mainly raised by SC members. K.L. Balmiki (Khurja) moved a resolution for its removal and urged the government to take appropriate measures.[60]

Preferential concern for SCs became a shared concern for all the SC members of the Lok Sabha irrespective of their political parties. Some of the most vital issues that have continued to dog the Parliament to this day with respect to untouchability and preferential treatment were raised in the first two Lok Sabhas. In fact, SC members of the first two Lok Sabhas took their role as the representatives of a twofold constituency, the general electorate and SCs, quite seriously, irrespective of party differences on the issue of distribution of reserved benefits to SCs.

While the House generally and the ruling Congress Party in particular were cautious to be generous towards differential considerations, sometimes exception was made to the tribal question, particularly the Northeast. Rishang Keishing (Outer Manipur) raised issues regarding the Northeast in the first Lok Sabha itself. His intervention led to the expression of regret by the government for not taking necessary measures for the development of Adivasis.[61] In the second Lok Sabha, Prime Minister Jawaharlal Nehru made a *suo moto* statement on the Naga problem proposing a separate state, the 16th in the Indian union, for Nagas.[62] The tribal question, however, became an important concern particularly with the outbreak of Naga militancy. S.M. Banerjee (Kanpur) in his adjournment motion drew the attention of the government to the raid by Naga militants on a village resulting in the death of a villager and injuries to more than 30 people.[63] While the neglect and autonomy of tribal communities became a matter of important consideration in the first two Lok Sabhas, tribal militancy and its impact on tribal communities did not go unnoticed.

Development and Democracy

Development was one of the single most important considerations before the House in the 1950s. On the kind of development considerations highlighted, we find a wide variety of views in the first two Lok Sabhas eliciting different degrees of support. Initiative on the economy, however, remained with the Executive in the first two Lok Sabhas. Partha Chatterjee has argued that Nehru, in constituting the Planning Commission through a Cabinet decision, had placed the issue of economic development outside the purview of the

Parliament. The economy was to be run through technical expertise rather than through the democratic process of decision making. He sees in this step a conscious drive to marginalize the democratic element and to consolidate a version of passive revolution.[64] In fact, some of the important decisions with regard to the economy were made in the party fora rather than in the Parliament. It was at the Avadi Congress in 1955 that the 'socialistic pattern' of development was announced and the way was cleared for a major drive towards nationalization.[65]

But economic issues were far too important not to be reflected in the Lok Sabha, although the process of economic planning that was put together made the Parliament a sounding board rather than the premier agency for taking economic decisions for the country as a whole. Two issues can be highlighted in this regard: the first was the amendment to Articles 15 and 16 on reservations for Backward Classes in education and employment and the second, amendment to Article 31A, which placed a series of laws beyond judicial review. Both these amendments termed as heralding a 'social revolution' were prompted by the resistance offered by interests of caste and property to laws and policies advanced both at the union and state levels. While the Parliament had to be taken into confidence in such instances, its role with regard to both these path breaking amendments was limited. Regarding the amendment to Article 31A, several viewpoints came to be expressed in the Lok Sabha. Jaipal Singh, the leader of the Jharkhand Party (JHP), wrote a dissent note to the Joint Committee that for the sake of the poor man compensation should be justiciable, and the right to approach the courts 'is the most effective guarantee against executive tyranny'.[66] Frank Anthony attacked the bill as it placed right to property in the hands of 'every crooked-backed and mountbacked politician that you flash across the political scene',[67] while A.K. Gopalan supported the bill on behalf of the Communist Party. The Congress Party even issued a whip asking the members to support the bill.[68] On measures to be pursued for development and on enabling measures there was little agreement in the House.

There were other economic concerns that became matters of intense debate in the first two Lok Sabhas, the most strident being price rise and shortage of food grains. Issues of corruption too rocked the Parliament. The famous Mundhra case can be cited as an illustration.[69] There were some members who tended to be overzealous on some issues. In the wake of Chinese aggression Subhadra Joshi, a Congress member, demanded nationalization of banks and elicited the support of certain Communist members for the same.[70] B.R. Bhagat, Deputy Minister for Finance, tried to snub such demands by pointing out their adverse impact 'on the credit-worthiness of Banks'.[71] The Left attempted to make economic issues a central concern of the Parliament by moving a no-confidence motion against the government in the first year of

the third Lok Sabha. It was the first of its kind and was supported by the entire opposition that cited economic mismanagement, food scarcity, and growing corruption especially among government servants and Congress politicians.[72]

In the first two Lok Sabhas while initiative on economic issues rested with the Executive, particularly the Prime Minister, pretensions on the directive role of the Parliament were sustained by letting its members air their views which did not affect policy to any appreciable extent. The interventions of the Parliamentarians were far too general and they did not make much of a dent in the carefully crafted policy positions that the government had worked out in advance.

On the broad-basing of democracy, the Executive kept the focus on national unity and retained the initiative in its hands. The Balawantharay G. Mehta Committee Report which studied community projects and National Extension Service brought the issue of decentralization and Panchayati Raj to the fore. The Report was appreciated by several members cutting across party lines, although some of them strongly opposed the idea of giving importance to officials over elected members, as the Report tended to suggest.[73] Finer distinctions such as between delegation and decentralization were suggested by K.T.K. Tangamani (Madurai) who argued for the necessity of development blocks. There were also criticisms against the emerging regime of decentralization. Surendra Nath Dwivedy (Kendra Para) accused the Community Development Minister of doing little to implement the Panchayati Raj system. He felt that the existing Panchayats were working as bureaucratic agencies and there was lack of uniformity in the implementation of the system. N.G. Ranga (Tenali) opposed the imposition of the Panchayati Raj system saying that it would undermine the federal nature of the country and deprive the states from undertaking any experiments. He felt that the existing Panchayats were ridden with corruption and also suggested Panchayat Grants Commissions in every state.[74] Ranga's arguments, however, did not go down well with members such as Surendra Nath Dwivedy and Kalika Singh (Kendra Para and Azamgarh respectively) who felt that his stance would require abolition of state Assemblies as well, which were no less corrupt. Ranga's argument was deeply caught in concerns of representation. Members like M.D. Mathur (Nagpur) opposed the proposal of the Balawanthray G. Mehta Committee Report that officials should be Chairmen of Panchayat Samithis and Zilla Parishads.[75] S.K. Dey, Minister of Community Development, defended the Panchayat system as an integral part of the heritage of India but refused to pressurize the states to implement the system. In the second Parliament, the debate on the Panchayati Raj system came up too. Balraj Madhok (New Delhi) argued that Panchayats should be given more power and money, and the polity should put its trust in them. The finances of the Panchayats were a recurring theme of concern. Ranbir Singh (Rohtak) moving a motion on the working of Panchayati Raj

demanded that interest-free loans be given to Panchayats for income generating projects to provide amenities like clean drinking water, and others. He urged for a provision of at least Rs 100 crore to Panchayats through the Planning Commission.[76] Minister Dey felt that Panchayati Raj had grown and developed beyond the aspirations of Article 40 of the Constitution and suggested an amendment to reflect this development. He also commended the All India Panchayat Parishad headed by Jayaprakash Narayan for training Panchayat members and officials.[77] While the House was generally united on broad-basing democracy by strengthening the Panchayats and the Executive was cautious about how far to go, there were members who raised the rights issue. K.T.K. Tangamani (Madurai) argued that the leadership of the Panchayats continued to remain with caste Hindus except in some parts of the country like Rajasthan. He asked rhetorically: 'How many Harijan Presidents are there in the country?'[78] The debates on Panchayati Raj in a way highlighted the inadequacy of the Parliament as the sole representative body. While a vast majority endorsed strengthening of Panchayati Raj bodies, there were members who drew attention to issues such as the bearing such a measure would have on state autonomy; the dominance exercised in the villages by upper castes; the need for financial devolution to the Panchayats; better regulatory mechanisms, etc.

Mode of Work

Commentators on the functioning of the Lok Sabha in the 1950s have referred to the decorum and quality of debates in the House terming it as 'the heroic era of parliamentarianism'[79] Proceedings were full of wit, well informed, and well attended. The House was made up of 'a large number of members speaking in chaste English and the debate was Oxford Union style with arguments and counter arguments both often coming from the same party, the Congress.'[80] Members of the first two Lok Sabhas took a great deal of interest in foreign policy issues as well. Sometimes a gentle admonition that the matter was not in the national interest would make the member who raised the query quiet. The House, however, did not seem to be much perturbed when local and partisan issues came up for discussion. Most of the members of the Lok Sabha thought they were the natural leaders; being elected to the Lok Sabha was merely a stamp of approval of their popular standing and they did not have to consult their constituency or even their party workers regarding the issues and concerns to be highlighted. In this sense, one leader could be easily replaced by another in the House. These leaders were not very interested in the continuous mobilization of people to explore their concerns; they addressed them if they were mobilized. Representation did not mean, for them, a sustained responsiveness and sensitivity to the changing context. They held few mass meetings in between the elections.

They also thought that they were the successors to the culture and civilization of India as a whole and to the legacies of the national movement. Nehru's speech on the Objective Resolution at the Constituent Assembly had conveyed it and it was greatly applauded.[81] There was nothing to suggest that the first two Parliaments disagreed with it. Given such a conception, several significant policies like non-alignment found near universal approval, while others which were accepted as enabling but seen as divisive of the nation were suspect in the eyes of many. The issues brought to light by the Kaka Kaleekar Commission and the anti-Hindi agitation drew a chorus of protests and disapproval.

The first two Parliaments were dominated by men who were quite patriarchal. Most of them hailed from upper castes and classes, but they felt that their social background did not affect their views and perceptions and sense of responsibility as representatives. They were not too troubled by their status and position in society, which insulated most of them from having an access to the grievances and demands of large masses, particularly the lowly and the poor.

The Communists conceived their representative role differently and often spoke of wrecking the Parliament from within and mobilizing the masses from outside. But even they spoke a language of universality, speaking for a world to be born rather than as upholders of the interests of discrete constituencies. Ideally, the SC and ST members should have acted in strong partisanship with the communities whom they invoked—only some of them did. Several factors went against such a disposition. They were elected from joint constituencies where the majority of the electors were generally not SCs or STs. They believed in the hegemonic notion of being universal representatives. Few attempted to mobilize the SCs and even such leaders like Jaipal Singh basically spoke on behalf of the STs rather than bringing them on to the forefront. In a way, the mode of election emasculated the SC and ST representatives and they came together only when their narrow interests were at stake.[82] The Lok Sabha in the 1950s encompassed everyone but ensured that only a set of select pursuits gained its acceptance.

The proportion of the electorate who voted in the first two elections was far too small compared to the great turnout in the 1970s and 1990s. In 1952 and 1957, for example, turnout was 45.7 and 47.7 per cent respectively. The highest turnout was in Kerala with 71.0 per cent and 66.6 per cent, and the lowest turnout was in Himachal Pradesh with 25.3 per cent and 37.6 per cent respectively.[83] Further, the proportion of voters from certain groups—women, Dalits, Muslims, tribals, and the rural folk—was far too small in the 1950s. A majority of members in the first two Parliaments won with great margins. Force and compulsion in voting was quite widespread, although it was never publicly acknowledged—it included the force of habit and tradition. This political culture underwent significant changes in the 1970s.

THE CONTESTED TERRAIN OF REPRESENTATION IN 1970s

In the late 1960s and 1970s, the composition of the Lok Sabha underwent significant changes. From 1967 onwards, the House comprised leaders who did not enjoy great social and moral deference as in the 1950s, but educated elites and landed gentry with a tenuous association with the national movement. Such a base was broadened by inducting experienced local level leaders and prosperous farmers drawn from intermediary castes. Clearly, the professional stake holders in Indian democracy were expanding and new conflicts were visible in the Parliamentary forum. The big changes in the electoral prospects of political parties from 1967 and the split of the Congress Party in 1969 gave further fillip to these changes. The Lok Sabha in the 1970s was composed of 'homebreds'.[84]

By 1971 the notion of representation had undergone radical transformation. An ideological label became characteristic of representation unlike the 1950s. Now a representative was increasingly confronted with the possibility of scrutiny of his stances on an ideological scale. The ruling Congress and its ally, the CPI, asserted that they stood out from other parties by improving the lot of the masses, rapid development, nationalization, distribution of resources, and opposition to American imperialism.[85] This ideological stance went alongside a great deal of populism and with little critical scrutiny. With regard to policy measures, there was little by way of careful planning, earmarking of targets, execution, feedback, and ensuring accountability. Programmes for rapid development came to be announced and their opponents singled out in anticipation. Such a partisanship was not merely employed by the ruling Congress Party and its allies, but by the opposition too, particularly the Jan Sangh and the socialist parties. Such partisanship did not necessarily beget confidence among members. There was a great deal of ambivalence among the members with regard to their status as leaders, particularly among members of the ruling Congress. Quite a few of the latter thought that they were included in the party on account of their leader, Indira Gandhi, and did not feel shy to publicly acknowledge the same. The declaration of D.K. Borooah, the Congress President of the time, that 'India is Indira and Indira is India' was not surprising. The election of some of the representatives from outside their own states, such as that of C.M. Stephen from Gulbarga, should not be mistaken as similar to the 1950s. These representatives were elected because they were beholden to the leader of their party. In other words, there was a widespread assumption that Indira Gandhi was the direct and unquestioned representative of the masses and the members of the Lok Sabha were representatives because they were her deputies.

Even in the opposition, representatives identified themselves with partisan constituencies although they described such partisanship as conducive to

common interests. Unlike in the 1950s, representatives, particularly those in the opposition, strove to mobilize people in large numbers; the SOC resorted to a widespread land-grab agitation, while the Communists resorted to tactics such as dharna, gherao, and the likes. The ruling party took to holding huge rallies often addressed by Indira Gandhi. But these mobilizations were meant to promote an allegiance to larger and greater causes.

The energies released by such posturing were not directed to reinforce Parliamentary engagement but to elicit popular applause. Representation of certain cluster groups such as urban lower middle classes and sections of the peasantry was definitely on the upswing during this period, both by the ruling party as well as the opposition. However, the SC and ST representatives were further marginalized as the language of populism and development increasingly dwarfed the significance of Parliamentarians elected from these constituencies. An interesting development during this period is the larger voter turnout, creating pressure from below.[86] Populism from above and mass mobilization from below on an assorted set of objectives made the slogans of the regime appear bewitchingly attractive. The language of partisanship was one of the factors conducive for the same. There were few representatives, though, who thought themselves competent to speak for the nation at large. Members of the House individually or collectively did not think that they could speak for the nation as a whole. Such a virtue was attributed to the leaders rather than to themselves. Representation during this period came to be accompanied with a great loss of legitimacy. The widening of the base of representation went alongside the decline of the significance of representatives.

The ambiguity with regard to representation persisted in the sixth Lok Sabha, although party-wise the composition of the Lok Sabha underwent a sea change. The political forces that came together in the victorious Janata Party were drawn from very diverse ideological positions, regional spread, and ethnic belonging. The Congress, now in the opposition, reinforced this ambiguity further rather than helping to clarify issues. Within the ruling alliance there was a faction mainly drawn from the former Congress (O) which was not favourably disposed towards a strong interventionist role of the state with regard to redistribution of property and resources or bringing them under the control of the government. There were cleavages within this faction itself. Some of the members were strongly inclined towards the market and saw their representative role as establishing and sustaining regulatory mechanisms for the play of market forces. There was a strand which was strongly tilted towards a Gandhian kind of agenda, favouring decentralization, and ethical and moral grooming of the polity. Another strand argued for reinforcing fundamental rights and constitutional mores, and was against concentration of power either in an individual or institution. There were several other parties such as

the DMK, SAD, and others, which saw their representative status as cultivating distinct identities which they had appealed to in the elections. They were also overtly disposed towards a scheme of representation which saw the future of the nation as a decentralized polity. Such a striving was partly supported by the Socialists as well as the Communists. The Socialists saw their representative role as the harbingers of a radical transformation, particularly in the agrarian structure, and to enforce regulatory control on big industries and foreign capital. The CPI (M), which hitherto employed a universal language to commend and decry, aligned itself with political forces avowing democracy and anti-authoritarianism. The BJS held on to its ideology of Hindu nationalism, but refrained for a while from making overriding demands that would alienate it from the shared interests informing the ruling combine. It could not play this politically correct role for long as its association with the Rashtriya Swayamsevak Sangh (RSS) was contested in the public domain and it asserted its bond with the RSS and Sangh Pariwar, tying its future very closely with the latter.

Overall, this alliance was characterized by different trajectories of partisan representation. There were few reflections, theoretically grounded, on how this entire baggage of concerns and perspectives can be offloaded into a workable agenda of a representative democracy. The Congress held on to the representative notions it had fashioned in the early 1970s, although some of the Parliamentarians closely aligned with Sanjay Gandhi were prepared to shed a good deal of the popular element in this idea of representation and arrogate to themselves such a role by being what they were!

The Fifth Lok Sabha and Central Concerns of Representation

While there is much in common between the fifth and the sixth Lok Sabhas, it is important to mark the distinct ways in which these concerns came to be articulated. The representative concerns of the fifth Lok Sabha were significantly different from those of the 1950s which revolved around national unity and development. Attention now shifted to accountability of public institutions; distribution of powers; national security; and the position of India in South Asia. National unity did not elicit the same response that it did in the 1950s. Identity concerns and sub-nationalism were raising their head in different parts of the country.

Political Parties and Representation in the Early 1970s

Although the party system in the fifth Lok Sabha underwent significant changes, one-party dominance persisted with the Congress securing 342 seats in the House. However, we can note an appreciable growth of parties with a

national focus. The CPI and CPI (M) secured 23 and 25 seats respectively. The PSP and Samyukta Socialist Party (SSP) had suffered much decline and they secured two and three seats respectively. The Congress (O), which claimed to be the original Congress, secured only 16 seats while the Swatantra Party (SWA), which avowed a classical liberal stance and was strongly indisposed to the interventionist state, secured eight seats (see Table 3.4). The Congress was clearly attempting to occupy the inclusive centrist space and edging out other parties from there.

Table 3.4 Political Parties in the Lok Sabha, 1971

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
INC	342	67.3	43.7
INC (O)	16	3.1	10.4
SWA	8	1.6	3.1
BJS	22	4.3	7.4
SSP	3	0.6	2.4
PSP	2	0.4	1
CPI	23	4.5	4.7
Communist Party of India (Marxist) [CPI (M)]	25	4.9	5.1
Telengana Praja Samiti (TPS)	10	2	1.3
All Party Hills Conference (APHC)	1	0.2	0.1
JHP	1	0.2	0.2
Vishal Haryana Party (VISH)	1	0.2	0.2
Kerala Congress (KEC)	3	0.6	0.4
RSP	3	0.4	0.5
MUL	2	0.4	0.3
FBL	2	0.2	0.7
Republican Party of India (Gaikwad) [RPI (G)]	1	0.2	0.1
United Front of Nagaland (UFN)	1	0.2	Uncontested
Utkal Congress (UC)	1	0.2	0.7
SAD	1	0.2	0.9
DMK	23	4.5	3.8
Bharatiya Kranti Dal (BKD)	1	0.2	2.2
Bangla Congress (BC)	1	0.2	0.4
United Goans-—Sequeira Group (UGSG)	1	0.2	0.1
Independents	14	2.8	8.4
Total	508	100	

Source: www.eci.gov.in.

A large number of regional parties avowing regional identity and autonomy were a prominent feature of the fifth Lok Sabha. Feudally-based parties went out of the reckoning but parties resting on various kinds of specialized interests resurfaced in a big way—the BJS, MUL, Indian Muslim League, and BKD. Independents were on the decline. Diversity and identity concerns were already making their presence in this Lok Sabha (see Table 3.5).

Table 3.5 Political Parties and Representation in the Lok Sabha, 1977–80

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
INC	154	28.73	34.5
Bharatiya Lok Dal (Janata Party) [BLD]	295	55.04	41.3
CPI	7	1.31	2.8
CPM	22	4.10	4.3
INCO	3	0.56	1.7
All India Janata Party (AIJP)	1	0.19	0.1
Jammu & Kashmir National Conference (JKNC)	2	0.37	0.3
KEC	2	0.37	0.3
MUL	2	0.37	0.3
RSP	4	0.19	0.5
RPI (G)	2	0.19	0.5
PWP	5	0.93	0.4
United Democratic front (UDF)	1	0.19	0.1
SAD	9	1.68	1.3
AIADMK	19	3.36	3.0
DMK	1	0.19	1.7
Maharashtrawadi Gomantak (MAG)	1	0.19	0.1
Independents	9	1.68	5.5
Total	536	100	

Sources: *Who's Who of the Fourteenth Lok Sabha*; and Election Commission Reports.

Accountability of Public Institutions

Numerous public institutions assiduously built in the 1950s were under contestation in the 1960s. The office of Governor came under public scrutiny as the ruling party in the centre often made use of it both to reinforce central authority over states as well as to advance ruling party interests. This issue was repeatedly raised in the fifth Lok Sabha as was the case in the final years of the fourth Lok Sabha.[87] Similarly, the role of the Speaker became a matter of controversy both in the states and at the centre.[88] Sometimes new institutions were suggested to buttress the legitimacy of existing ones. Vidya Charan Shukla, Minister of Home Affairs, moved the Lokpal and Lokayukta Bill in 1969 to investigate administrative actions taken by officials on behalf of the government. The debate on the occasion highlighted rampant corruption that was prevalent in the public institutions in the country.[89] Many members including Lakkappa from Tumkur[90] demanded that the Prime Minister and chief ministers too be brought within the ambit of the bill.

In the fifth Lok Sabha, the issue of central concern of the members, particularly those in the opposition, was the invocation of Article 356. For instance, in the context of the supercession of the Veerendra Patil ministry

in Karnataka in 1971, M. Satyanarayana Rao (TPS, Karimnagar), speaking in Telugu, said that President's Rule is nothing but the administration from the central Home Ministry.[91] Many, however, saw the invocation of the Article as a necessary evil. Expectedly, there was fairly extensive support for the invocation of Article 356 among members of the ruling party because, in their estimate, the functioning of the popular assemblies in the states had declined precipitously. When the Veerendra Patil ministry was overthrown by invoking Article 356, K. Mallanna (INC, Chitradurga) justified it saying that the regime was corrupt and riddled with favouritism, nepotism, and caste considerations that had become the order of the day. But support to such a measure was not merely confined to the ruling party, with members of the opposition joining in. For instance, when Article 356 was invoked to dissolve the Punjab Assembly in 1971, many opposition members supported the Governor's move. They argued that it was necessary to prevent horse-trading and could not be construed as an authoritarian measure of the Centre.[92] Public accountability was at a discount not merely at the Union, but also in the states and the disease was not merely confined to the Congress Party.

Although the Congress was largely responsible in fostering the personality cult during this period, many of the moves that were made to weaken public institutions enjoyed extensive support in the opposition as well. When H.R. Gokhale, Law and Justice Minister, moved the bill asserting supremacy of Parliament, the bill found widespread support in the opposition and was passed with very few negative votes.[93] But while the opposition sided with the government on some issues, there was a growing discord between it and the ruling party in the House on other issues. In the early 1970s the opposition pointed out that the dignity and safety of the members of Parliament itself had become precarious. In fact, Morarji Desai moved a motion accusing the Delhi Police as being in the service of the ruling party to attack the opposition. He referred to the attack on the Congress (O) group including its President Sadiq Ali and leaders like Sucheta Kripalani, Mahaveer Tyagi, and others. An instance of a lady district secretary of the Congress (O) who was allegedly stripped, molested, and kicked by rivals was cited in the House.[94] Jyotirmoy Basu and Samar Mukherjee cited instances of police brutality in the President-ruled West Bengal on the citizens in general and the Left in particular. Basu, the irrepressible CPI (M) member from West Bengal, wanted to move an adjournment motion in 1971 demanding what he called unleashing of violence 'by fascist hordes of Indira Gandhi'. While the Speaker disallowed the motion this ruling led to an unprecedented pandemonium in the House,[95] the opposition charging the Speaker that he was taking his directions from the ruling party. Civil and political rights were clearly emerging as personal concerns for the Parliamentary opposition already in the early 1970s.

Identity and Decentralization

By the end of the 1960s, identity and decentralization concerns became prominent. The Armed Forces Special Powers Act enacted in 1958 was sought to be extended to the state of Nagaland by Surendrapal Singh, Deputy Minister for External Affairs, in response to the demand for a separate Nagaland.[96] The Akalis were forcefully asserting the Sikh identity in 1971 and Article 356 was invoked in Punjab. K.C. Pant, Minister of Home Affairs, justified it as necessary to control the anti-India agitation of Akalis.[97] However, there was little consensus on which identity concerns were acceptable and to what extent. Some identity concerns invoked support even across state boundaries. When the issue of invoking President's rule in the then Mysore state came up in 1971, S.A. Muruganathan of Tirunelveli urged the government to accept and implement the Mysore State Language Committee recommendation that the state be named Karnataka and Kannada be its official language.[98] When the central government rode roughshod over identity assertions from the states, many opposition members resorted to speaking in regional languages making use of the rulings of the Speaker in this regard.[99] Such a large-scale resort to identity assertions through language made the Speaker rule that the members who wanted to speak in languages other than English or Hindi should give their names in advance with copies of the speech to interpreters.[100] That identity assertions could not be merely handled by taking recourse to law and order, and by invocation of Article 356, was even accepted by some of the ruling party members. In the context of the invocation of Article 356 with regard to Mysore in 1971, Congress members such as Lakkappa from Tumkur and S.M. Krishna from Mandya justified the same as not being directed against Kannada identity assertion but to supersede a corrupt and caste-oriented administration.[101] Overall, the response of the Lok Sabha towards identity assertions remained shoddy and piecemeal with acceptability depending upon who argued their case.

Nationalism and National Security

In the deeply divided fifth Lok Sabha the one issue that united the ruling party and the opposition was that of national security, particularly in the wake of the rise of Bangladesh agitation. In fact, the opposition often urged the government to take sterner measures against Pakistan in a language stronger than that employed by members of the ruling party itself. Atal Bihari Vajpayee initiated a discussion on the influx of refugees from East Pakistan. Several members expressed their concern regarding the oppression of citizens in East Pakistan by Pakistan's armed forces and the exodus of refugees to neighbouring Indian states. Many of them urged the recognition of Bangladesh several

months before the Indian state eventually came to recognize this new entity.[102] The opposition urged the government to give up its 'timid' posture.[103] Members called upon the government to place before the House details regarding the pro-Pakistan spy ring with the alleged involvement of a former Lok Sabha member from West Bengal, Badrudduja, and a former minister of West Bengal, Dr Golam Yazdani.[104] Members such as Indrajit Gupta demanded that the refugee burden should not be confined to West Bengal and Tripura only. In the wake of the attack by Pakistan at the end of November 1971 when the Prime Minister moved the resolution of proclamation of emergency under Article 352 of the Constitution, the House supported it unanimously.[105] However, when the government invoked the Defence of India Bill, some members of the opposition were wary of it. They cited the misuse of such enactments earlier and suggested some amendments even though the government did not accept any of them.[106]

Federal Issues

In the early 1970s, the centre tightened its noose around the states on the one hand, and approved the formation of new federal units on the other. Federalism was seen by the ruling party as an administrative device rather than as a principle of distribution of powers. K.C. Pant, Minister of State, Home Affairs, moved the North Eastern Areas (Reorganization) Bill to establish the states of Manipur and Tripura and union territories of Mizoram and Arunachal Pradesh by carving out these units from the state of Assam.[107] Interestingly, there was little input from this region itself in the formulation of this bill.

Economy and Development

Nationalization of the economy was the single most important trend assiduously fostered by the ruling party in the early 1970s. While this trend found ardent support in a section of the opposition, particularly the Left, it provoked equally strong opposition from another section of the opposition in the Lok Sabha. The Left felt that the government was not doing enough with regard to the nationalization drive and wanted the process to be speeded up and also encompass wider economic activities. H.N. Mukherjee (CPI, Calcutta north-east) sought the nationalization of major industrial houses in the country. He accused the Congress government of resorting to 'abracadabra' with slogans like *Garibi Hatao* which would not hasten the process of socialism.[108] When Y.B. Chawan, Finance Minister, moved the bill to nationalize all general insurance business the Left parties extended their full support to the measure.[109] Members, across the ruling and opposition divide, however, pointed out

major loopholes with regard to the nationalization of the economy. A.P. Sharma (Congress, Buxar) pointed out that while the government had fixed prices for agricultural produce, it refused to honour its own commitments and even when the government purchased farmers' produce there was non-payment of dues. Such bottlenecks had affected the movement of grains across the country leading to black marketing, hoarding, and artificial shortages.The rise of black money and smuggling became an important issue in the Lok Sabha debates in 1971–2.[110] Following the nationalization of banks, members expressed their concern about the deterioration of their services.[111] They condemned the sky-rocketing prices of essential commodities. Even the Minister of State for Finance, K.R. Ganesh, was forced to accept the accusation.[112] The issue rocked the Lok Sabha several times during 1971–2 with a major stand-off between the government and the opposition.[113]

Apart from everyday economy, members felt that government's response to natural calamities was far too wanting. Kumar Majhi (INC, Keonjhar), the first member to speak in Oriya, spoke on the situation arising out of the cyclone in Orissa which had reportedly killed 25,000 people and called upon the government to take speedy action.[114]

A Strangled Civil Society

In the fifth Lok Sabha the opposition, in particular, was deeply concerned about the widespread malaise and loss of direction that had come to grip Indian civil society. Political defections and hopping from one party to another had become rampant. Often the government cited this as the reason to invoke President's rule in the states.[115] Widespread clashes between agricultural labourers and the landlords and between upper castes and lower castes also rocked the House.[116] The opposition highlighted the near-total breakdown of law in several domains of civil society in spite of the government concentrating enormous powers in its hands. H.N. Mukherjee in his Calling Attention Motion drew the attention of the House to the killing of six under-trial Naxalites and injuries to 200 more. The opposition pointed out that in different jails, more than 20 under-trial political prisoners were killed.[117] Inder J. Malhotra (Congress, Jammu) drew attention to the mushrooming of communal paramilitary organizations such as the RSS and Jamait-Ul-Ulema and sought a ban on them. On this issue, however, the opposition was deeply divided. Vajpayee strongly defended the RSS and denied that it was a communal organization.[118]

There begun a large number of movements in the early 1970s and eventually many parts of the country were engulfed by them. There were regional movements, such as in Telengana, which became intense during this period. There was widespread caste-related violence and working class protest was

to reach its peak during this period.[119] All these issues became a hotbed of contestation in the Lok Sabha. The anti-reservation agitation in Gujarat starting in 1973[120] and the Bihar agitation that eventually culminated in the nationwide movement led by Jayaprakash Narayan was about to rock the Lok Sabha in a big way. Some of the issues that Narayan raised, such as the recall of elected representatives and the call to the army to defend the Indian nation and not its rulers, were to become important issues in the Lok Sabha, and deeply divisive too.[121] The CPI supported the Congress regime while the rest of the opposition increasingly closed its ranks behind the movement led by Narayan.[122]

Issues of denial of rights and gross constricting of the space of civil society came to a head with the proclamation of Emergency. At the Lok Sabha meeting in July 1975, following the announcement of Emergency, K. Raghuramaiah, Minister of Works, Housing, and Parliamentary Affairs, moved the motion on business to be taken up in the session and suspension of certain rules of procedure. He suggested that during the Emergency session only government business would be transacted and other business like 'calling attention motion', 'question hour', 'private members bills', and others, would be suspended. This motion was vehemently opposed by members like Indrajit Gupta, Somnath Chatterjee, and Erasmo D'Sequeira. All the same it was adopted.[123] Jagjivan Ram, Minister of Agriculture, moved the statutory resolution for the approval of the proclamation of Emergency. When the resolution was moved several opposition leaders were under detention and not allowed to participate in the session. The existing opposition argued that the Parliament itself was reduced to a farce.[124] From then onwards some of the most draconian laws such as Maintenance of Internal Security, Defence of India (Amendment) Bill, detention of citizens without trial for uncertain periods, and those which made existing laws stringent were passed.[125] Within a month of the proclamation of Emergency, a new programme for economic progress, popularly called the '20 Point Programme', was announced with little discussion as most of the articulate members of the opposition were in jail. The Executive appropriated the whole notion of representation during this period and the Parliament itself had little say in defining its own role.

A conception of representation narrowed down to electoral mandate was to surface prominently during this period. Tactical, meaning here and now, rather than strategic representation became a dominant feature. Representatives were not prepared to invest their energies for the promotion of long-term goals, and short-term policies became the rule of the game. Eventually the Parliament itself collapsed to the Executive and the Executive to a much narrower coterie. Responsiveness and accountability became the attributes of the Executive which, in turn, declared itself as the guardian of the disadvantaged, and religious and cultural minorities. At the same time, there was a great deal of mass upsurge that called into question the existing mode of representation and

appropriation of power. Given this upsurge and the effective strangulation of the House, many parties and factions within the ruling combine and outside aligned themselves with the movements abandoning the Parliament, as the rule making body, to its fate. At this juncture, the issue of representation rested with the electorate afresh.

The Sixth Lok Sabha and Central Concerns of Representation

The Party System

In 1977 the party system in India underwent a radical transformation and one could not anticipate the form it would assume following the elections. The INC registered a huge slump securing only 154 seats in the Lok Sabha. There emerged a new party at the centre stage of Indian politics, the Janata Party. It was formed by fusing together several parties, some of them with a national focus and others strongly embedded in regional identities as well as interest groups. Several splinter groups of other parties joined this formation. It secured 295 seats in the Lok Sabha. The Communist parties together became much weaker, the CPI securing seven seats and the CPI (M) 22. Among the regional parties, the All India Anna Dravida Munnetra Kazhagam (AIADMK), SAD, and the JKNC were prominent and secured 18, nine, and two seats respectively. The MUL won two seats while the BJS had merged itself with the Janata Party. While a single party continued to be dominant in the 1970s, the ideological priorities of the parties and their relationship to other parties had undergone a metamorphosis in the decade. In several states there was the rise of new parties. Due to demographic changes, the extent of representation too had undergone major changes and the number of seats in the Lok Sabha had gone up to 544.

The priorities of the sixth Lok Sabha were largely governed by its context. The House was elected after withdrawal of the Emergency and the ruling party was led by former leaders of independent political parties opposed to the Congress and who were brought together by their opposition to the Emergency. Due to its disparate composition, the ruling party could not put its act together and whenever it tried to take a bold initiative other than the circumstances that brought it together, its seams seemed to come apart.

The Nation and the Rights Issue

The rights of citizens—civil, political, and economic—became one of the most significant issues highlighted in the sixth Lok Sabha. The same can be said about the rights of the elected representatives. Some of the most important Acts enacted by the sixth Lok Sabha including the 44th Constitutional Amend-

ment reflected this concern.[126] In fact the 'rights' language never occupied the centre stage in the Lok Sabha debates as it did in the sixth Lok Sabha.

While the ruling regime backed by a majority of the Parliament drew attention to civil and political rights, rule of law, and constitutional priorities, the opposition led by the Congress drew attention to socio-economic rights, a package that was easily susceptible to populist appeal and which was extensively employed to whip up support to the Emergency regime. The Congress did not accept that public institutions suffered irreparable damage during Emergency, and did not extend support to the measures to put them back on track. In fact, it attempted to resurrect the cleavage between civil and political rights on the one hand, and social and economic rights on the other, and pointed out at the partisanship of the ruling regime towards the former. In the process it denoted the ruling combine as the representative of the bourgeoisie and dominant classes and arrogated to itself socialist and radical legacies. Vayalar Ravi of the Congress moved a resolution urging the government to take immediate steps to amend the Constitution to secure meaningful realization of the Directive Principles of State Policy, which according to him implied deleting the property clause from the Fundamental Rights, inclusion of the right to work and literacy, minimum wages as a Fundamental Right and enlarging guarantees to religious and linguistic minorities as well as to Dalits, STs, and other marginalized sections. While the House was unanimous in the need to protect the rights of people, the attempt of the opposition (Congress) demanding that rights, as specified by it, be placed in the forefront of policy of the new regime drew sneers from the ruling party and its supporters.[127] The Congress, overall, continued to highlight issues of poverty and unemployment against the insistence on civil and political rights by the ruling party.[128] Congress leaders also drew attention to rising prices, recurring floods in the country, etc.[129]

There were some important initiatives that came up in the sixth Lok Sabha to shore up public institutions. This is reflected in the 44th amendment as well as in some of the initiatives to restore civil society institutions. Shanti Bhushan, Minister for Law, Justice, and Company Affairs, moved a resolution to restore the autonomy of the Bar Council to elect its own chairman and vice-chairman which was taken away by the amendment Act of 1976.[130] There were attempts to change the Representation of People Act and initiatives to establish a Press Council of India to safeguard the freedom of the press which was seen as greatly compromised during the Emergency. Further, the extent of money deployed during elections came under increasing scrutiny.[131] Jyotirmoy Basu moved a resolution seeking the disqualification from holding public office for 10 years of anyone found guilty by a court of law. However, the Congress members were again on the offensive. Its member Mallikarjun argued that the motion was motivated by 'Indira Phobia'.[132]

Federalism

The Janata dispensation perceived the centre–state relations as having been greatly damaged in the early 1970s. There were several initiatives that came to be mooted, such as interstate dispute mechanisms regarding use of river water. But Congress members were always on the offensive. When Raj Narain, one of the heroes of the anti-Emergency agitation and a minister, criticized the Tamil Nadu Chief Minister for going to meet Indira Gandhi, 'an ordinary person', Alagesan, a Congress member, asked him not to treat states as administrative departments of the centre, a charge that the opposition had levelled against the Congress regime in the early 1970s.[133]

Developmental Initiatives

The Janata regime initiated several moves to shore up an idea of representation foregrounded on rule of law, respect for rights, and need of public institutions. At the same time, it took certain hesitant steps to formulate a distinct development agenda. Ahilya P. Ranganekar (CPI [M], Bombay north-central) moved a resolution to wipe out illiteracy and P.C. Chunder, Minister of Education and Social Welfare, promised initiatives in this regard.[134] There was a positive response to the demand to establish parity between production and price of agricultural and industrial goods, to improve the economy, and to reduce inequalities of income, and so on. Similarly, planning and the planning process were subjected to a critique from several fronts for the inevitable centralization they bred, the gap between the centre and the state that they reinforced, and their irresistible tendency towards bureaucratization. As a way out, Prime Minister Morarji Desai mooted the idea of rolling plans.[135]

The sixth Lok Sabha in its short-lived existence highlighted a notion of representation which in the contested terrain of the time became highly reactive rather than proactive. Several measures were suggested to recast the role of the representatives in new forms such as emphasis on rights, robustness of public institutions, building up citizen responsibility, and civic initiatives. The responsibility of the representatives to support an order of equity was emphasized, and equity was seen not merely in economic terms. However, several of these notions were never seriously worked out. The Congress members scorned these initiatives by pointing to the other side of the coin. They argued that the rights of the untouchables and minorities had been seriously threatened and it was the House's primary responsibilities to defend them.[136] The government came under attack on the issue of renaming Marathwada University and regarding the status of Aligarh Muslim University.[137] Govindan Nayar of the CPI warned the Hindi fanatics, primarily referring to the dominant sections of the Janata Party, to be a little patient: 'in the name of Hindi

you are murdering Urdu which is the most exquisite language in our world'.[138] It was unfortunate that the Janata Party experiment which was full of promise in advancing an alternative conception of representation died young politically and was scantily reflected theoretically.

DIFFERENCES ON LOK SABHA REPRESENTATION IN THE 1990s

In the 1990s, the composition of the Lok Sabha underwent a radical transformation. All elected governments in the 1990s were minority governments. The Congress Party did not enjoy a majority in the 10th Lok Sabha but eventually it succeeded in forging such a majority.

From the late 1980s onwards, certain concerns which had great bearing on the issue of representation came to dominate debates in the Lok Sabha. Following the judgement on the Shah Bano case, the Rajiv Gandhi government proposed the Muslim Women's (Protection of Rights) Bill ostensibly aimed to protect the rights of Muslim women, but there was no agreement on it even among Muslim members. When the Bill was passed, it evoked a divided response among women in general and Muslim women in particular in India.[139] Predictably, the BJP opposed the Bill and saw it as another attempt at appeasement of minorities.[140] The second issue of great significance in the political domain was the 'Ram Janmabhoomi–Babri Masjid' dispute, which in the early 1990s led to a major shift in the composition of the Lok Sabha and the principles on which the House was based. So was the issue of reservation for OBCs in public employment. The Janata government in 1979 had constituted the second Backward Class Commission, popularly known as the Mandal Commission after the name of its chairperson, B.P. Mandal, and its report was in hibernation for a decade. The Janata Dal government led by V.P. Singh invoked the recommendations of this report in 1990 and decided to institute reservations for OBCs in central government employment. OBCs had already mustered their impressive presence in the Lok Sabha and this measure was in tune with their strivings. The fall out of this policy measure not merely divided the civil society into two halves, but also impacted the very conception of representation in the Lok Sabha. The fourth issue that engaged the Lok Sabha passionately in the later part of the 1980s was corruption, particularly revolving around the Bofors deal kickback allegations, which eventually led to the defeat of the government in 1989. The Bofors deal was closely connected to the issue of national security and to the state of public institutions which, as we have seen, was a matter of enduring concern before the Lok Sabha even in the earlier years. The fifth issue of major concern was elections and election processes. The then Home Minister, Buta Singh, moved the resolution on the 50th Constitution Amendment Bill to seek amendment to The Representation of People Act, 1951.[141] The Bill had a great deal of bearing on the

very constitution of the Lok Sabha. Finally, the Indian economy comfortably cushioned under state patronage was being jostled by the great convulsions that were taking place in the global economy, including the disintegration of the socialist economies of the Soviet Union and Eastern Europe. In the 1980s, the Government of India had begun opening itself up to the Western World[142] and the Indian economy was being integrated into the world economy without formally giving up the principles of self-sufficiency and regulated economy, the mainstay of development for the previous three decades. The Congress government that came to power in 1991 gave up even the remaining pretence and adopted a pro-liberalization stance and opened up the economy accordingly. In a way, this measure was in tune with the aspirations of a significant proportion of the political elite cutting across political parties and shaped the orientation of those who competed for the Lok Sabha in the 1990s.[143] On the agenda were alternative understandings of the nation, the integrity of institutions, and appropriateness of existing institutions to cope with challenges and demands thrown up by globalization. Aspects of some of these issues were integrally bound with one another. For instance, assertions of identities had implications and reach in a world that was unheard of before. Political parties crucially involved in eliciting responsiveness were almost on a roller coaster ride in the 1990s, responding to issues confronting them rather than theoretically justifying the measures adopted keeping their own institutional history in view.

Issues and Trends

Concern regarding Communalism

The demolition of the Babri Mosque and its fall out was an issue that shook Parliament. Speaking in the Lok Sabha on 8 December 1992, Atal Bihari Vajpayee demanded that L.K. Advani, the leader of the opposition, be released and allowed to attend the House. He argued that he was arrested on baseless charges and should be given an opportunity to make a submission before the House. Vajpayee also attempted to drive a wedge into the unity of the Cabinet by saying that the Speaker should take an initiative in this regard because even if Narasimha Rao, the Prime Minister, was prepared to release Advani, Arjun Singh would not allow him to take such an action. Vajpayee also argued that banning organizations such as the RSS would be 'sheer mindless absurdity' because in Punjab it was the BJP and the RSS that had stood up against terrorism. He was obviously trying to prioritize national security vis-à-vis communalism by occupying the high ground of nationalism.[144] Nationalism versus communalism was to become an important axis to paint allies and opponents during this entire decade and even beyond. There was much in

common between the way national unity was invoked in the 1950s and 1990s in the Lok Sabha, although in the 1990s one has to factor in the active presence of highly differentiated masses.

In the wake of the demolition of the Babri Mosque, four state governments were dismissed invoking Article 356—Uttar Pradesh, Madhya Pradesh, Rajasthan, and Himachal Pradesh. Referring to the dismissals of these governments Madan Lal Khurana (BJP, Delhi–Sadar) called the action a 'murder of democracy' and expressed his condolences. Jaswant Singh (BJP, Chittorgarh) speaking on this issue again harped on nationalism: 'this government did not do anything when the Counsel General in Karachi was attacked and his house was looted.'[145] Against such an attempt by the BJP to seize the initiative and appropriate the symbolic resources of nationalism, the Speaker restated existing rules and regulations of the House. He said that when the House did not even allow the Prime Minister to make a statement on the event, there was little chance that Advani would be allowed to make one. Somnath Chatterjee (CPI [M], Bolpur) reasserted the rule of law saying that even if Advani wanted to come before the House and address it, he should have applied for bail which he had not done, apparently suggesting that the demolition of Babri Mosque and the refusal of Advani to seek bail were connected issues wherein a party was claiming to be above the law.[146]

On 17 December, Vajpayee again took up the issue of the demolition of the Babri Mosque and, invoking both wisdom and truth to shore up his statement, argued that the top leaders of the BJP did not do anything to undermine the rule of law. Again, he tried to drive a wedge between the Prime Minister P.V. Narasimha Rao and Arjun Singh. He argued that during the *kar seva* at the Mosque on 6 December, 'every effort was made to fulfil the commitment given to the Prime Minister but the commitment could not be fulfilled. The top ranking leaders of BJP, RSS and VHP had been trying to prevent kar sevaks there. Video tapes are evidence of it.'[147] At the same time, Vajpayee saw the incident as a nationalist outburst and compared it with such expressions elsewhere: 'When Russia occupied Warsaw a church was there. When Poland became independent the first thing it did was the demolition of the church. History bears testimony to this.'[148] He further argued that public opinion worldwide was not unfavourably disposed to the national resurgence in India expressed in the demolition of the Mosque. He felt that if the government highlighted the true facts before the world, 'there would have been no uproar to this extent', but it would have 'asked the Muslims to settle this issue amicably'. Worldwide condemnation of the demolition of the Mosque had to be taken with a pinch of salt as there was little appreciation of the central tenets of Hinduism in such a judgement. A whole people cannot be condemned without considering their beliefs. He felt that the government was trying to stop the 'time and cycle of change' by invoking an essentialized conception of secularism.[149] He

also argued that an action based on falsehood, such as the construction of the Mosque against the very tenets of Islam, cannot but be wrong in the very eyes of Muslims. Further, if Muslims were indisposed to the wishes of the Indian republic or Parliament in matters of marriage and family planning, then they would be invoking a different type of citizenship and consequently a different rule of law. In a way, he tried to absolve the BJP of being law breakers and charged the 'secularists' with it. Referring to Shahabuddin, who bore the credentials of being a progressive Muslim, publishing *Muslim India*, He wondered if Muslims could invoke their identity, why not 'Hindu India'?[150] Clearly Vajpayee was calling forth responsiveness here in defence of Hindu sentiment which he equated with the new-found version of nationalism.

Intervening in this debate, Sharad Yadav (JD, Madhepura) called for the removal of the 'rift that has been created between the two communities.' He suggested that 'the Lok Sabha should take a lead in this regard and there can be no greater service to the nation than this.'[151] Indrajit Gupta (CPI, Midnapore) held the Congress guilty along with the BJP and suggested that the pulling down of the V.P. Singh government by the Congress and the BJP led to the eventual demolition of the Mosque. The V.P. Singh government had pledged to defend the Constitution and the damage wrought to the Mosque would not have been possible under such a regime. He felt that there was a great deal of dithering within the Congress to take resolute measures.[152] He decried attempts to convert the issue into contending conceptions of nationalism instead of describing it as pure and simple communalism. Clearly, there was a plea here for rule of law and a democracy resting on equalitarian considerations.

Prime Minister P.V. Narasimha Rao felt that the debate in the Parliament following the demolition of the Babri Masjid 'will go down as one of the debates of the highest order in the history of Parliament.'[153] At the same time, he defended the action of the central government on the grounds of good conscience. He argued that no government can be run if all the public institutions are mistrusted, and that all the concerned authorities had agreed to abide by the measures that the government had proposed prior to the event leading to the demolition of the Mosque. He felt that the government cannot be held responsible for consequences which could not be anticipated after taking into account all possible outcomes.[154] Both the ruling party and the opposition attempted to evade culpability. It was also implicit in the Prime Minister's argument that existing institutions proved inadequate to combat the Hindutva upsurge. Undoubtedly, principles were at stake on this issue making the Lok Sabha a deeply divided house.

The issue of communalism came up in the House again following the bomb blasts in Bombay in early 1993. Mohan Rawale (Shiv Sena [SHS], Mumbai south-central) estimated that '1.5 crore Muslims from Bangladesh have infiltrated into our country, infiltrators from Pakistan have also come',

suggesting culpability and accusing the Congress of following an appeasement policy.[155] L.K. Advani censured the government for its inability to prevent these occurrences. On this issue, while there were charges and counter-charges between the ruling party and the opposition, the majoritarian claims of the opposition under a system of Parliamentary democracy were not adequately combated.

Liberalization

One of the radical policy initiatives mooted in the early 1990s was liberalization and the opening up of India's economy. The Lok Sabha played little role in initiating specific measures in this direction in the initial stages; it was primarily an Executive decision. However, very soon these policies were a subject of appreciation as well as of denunciation in the Lok Sabha. Speaking in the Lok Sabha on 13 September 1991, Prime Minister P.V. Narasimha Rao defended these policy initiatives in the name of national interest. Speaking of his visit to Germany he said, 'I acquainted my German interlocutors with the changes we have recently brought about in our economic policies and emphasized that they constituted an important milestone in a natural evolution and derived from the logic of the present level and stage of our development. They were therefore irreversible. They also enjoyed the support of the people and the Parliament of India.'[156] He buttressed his argument by invoking India's culture and how it was being appreciated outside, particularly in Germany. 'Honorable members are aware of the German fascination, enthusiasm and pursuit of Indian culture and the importance of culture in the shaping of Indo-German relations ... My meeting with German Indologists proved beyond doubt that the German scholars and intellectuals still retain their deep interest in India's cultural, spiritual and philosophical heritage and *in the contemporary scene in India*.'[157] (italics ours) The Prime Minister, as the principal spokesperson of the policy, did not forget to say that liberalization had its rationale within the course of India's economic development and was not dictated by international financial institutions as the Communists were accusing him of.

> The liberalization programme that we have started is not the one which was started in many other countries; it has a specialty of its own. It also takes care of the areas which perhaps would suffer as a result of liberalization being concentrated in one area. Our villages and the illiteracy there, or the lack of educational facilities, lack of skill on the part of boys and girls in the villages, would leave them far behind when compared to their counterparts, their brothers and sisters in towns where they have better educational facilities.[158]

He then suggested that development of better facilities in the rural areas was an integral aspect of India's liberalization package, and the government would intervene against polarization of resources and opportunities.

The BJP offered principled support to the liberalization policy but found potholes in the way they were implemented. Jaswant Singh (BJP, Chittorgarh) stated that, 'The need for economic reform is established and is self evident'. Marking his differences with the ruling party, he said, 'This debate was not about the direction or the content or the pace of economic reform. The debate was about the management of reform.'[159] The point of management was reiterated by Atal Bihari Vajpayee saying, 'Sir, we have welcomed this new economic policies with the hope that unnecessary control would be removed, practice of delaying tactics would be stopped, entrepreneurship would be given full opportunity to prosper and we would be able to face the challenges of the changing world.'[160] However, he felt, the absence of proper management had resulted in financial malaise, such as the securities scam.[161]

The third standpoint on this issue was that of the Communists. Ridiculing the enthusiasm of members of the House for the measures adopted, such as that of P. Chidambram (INC, Sivaganga), Somnath Chatterjee said, 'What Mr P. Chidambram says is that everything is milk and honey in this country. There are no problems. But the people are losing their jobs as a result of their magnificent economic policies.'[162] Ajoy Mukhopadyay (CPI [M], Krishangar), speaking on 26 July 1993, said, 'During two years rule Mr Narashima Rao and government have brought our vast country and the country men to the brink of a total disaster.' He argued that the security scams galore in the country were integrally bound with the policy of liberalization and concluded his speech saying, 'government is out to loot the national property … Public assets are being looted through disinvestment'.[163] Increasingly this position was shared by a minuscule minority in the House.

In spite of this debate figuring in now and then, there was growing consensus in the House on a broad range of liberalization measures. Such a convergence was deeply at variance with the widening contention on the principles foregrounding national unity.

Preferential Considerations

The acceptance of the Mandal Commission report by V.P. Singh-led Janata Dal government precipitated a major social turmoil. While the Supreme Court upheld OBC reservation, it asked the government to exclude their 'creamy layer' from the benefit of reservation. This creamy layer issue was to become an important consideration in the Parliament in the 1990s.

Speaking on this issue Ram Vilas Paswan (Lok Jan Shakti Party [LJSP], Hajipur) said,

> Judgment of the Supreme Court delivered on 16th November in this regard quite categorically states that 27 per cent reservation in jobs will be made for the Backward Classes. Further the judgment says that the creamy layer, i.e., the advanced Backward

Classes among the Backward Classes need be identified, but the 27 per cent reservation will go only to the Backward Classes. The Expert Committee set up to go into this aspect has submitted its report 3–4 days back which has been accepted by the government…I would like to submit that acceptance by the Government of the Expert Committee's report shows the intentions of the Government…[It has] accepted the recommendation that the children of the farmer having land on lease with more than 65 per cent land with irrigation facilities, will be denied the benefit of reservation. Even the children of Class-II employees will be denied the benefit of reservation. All these have been covered under the economic ceiling. What I want to say is that in this matter even 1 per cent of the youths of Backward Classes will not be able to enter the government jobs. I would like to know from the government as to how this 27 per cent reservation quota is going to be filled if such conditions are imposed. The Government should, therefore, reject the Expert Committee Report.[164]

Interestingly, there were very few who spoke in defence of the bar imposed by the Court. There was the clash of moral values in this confrontation: While OBC spokespersons argued about their inadequate presence in public employment, the Court was insisting on relative economic deprivation. This conflict remained unresolved during this period although the political clout that the OBCs yielded ensured that the quantum of benefits they received would register an increase over time.

National Security

The issue of national security came to be dominated by growing incidences of terrorism in the 1990s, particularly after the bomb blasts of 1993 in Mumbai. Atal Bihari Vajpayee raised this issue in the House on 19 April 1993. 'When we were not transacting our business, anti-India and anti-national forces were busy in their nefarious activities. The RDX is being imported on a large scale from foreign countries. If we believe Maharashtra Chief Minister, Shri Sharad Pawar, explosive substances that were brought to Bombay have been sent to some other states where they may be exploded any time.'[165] One of the perennial concerns throughout the 1990s was of Pakistan as the great nursery of terrorism. L.K. Advani chastized Pakistan for extending support to the Memon brothers accused in the Bombay bomb blasts. He charged the government that it was not coming clean on this issue.[166] The House often set aside sober reasoning due to the excitement that this concern threw up. Ram Kapse (BJP, Thane) referring to the Bombay blasts said:

> Now, day after day, consignment of RDX is being smuggled into Mumbai, Thane and Chelakrik. It is a daily affair. A whole gang of smugglers is working. We had given a notice to the government eight years back that smuggling is going on like that. Mr Chandrashekhar Murthy told here last month that they have no information. But I did not bring any privilege motion because I did not want to…But, I have a definite information that Central leaders, State leaders of Maharashtra and the smugglers

have come together and are doing all these jobs…I will name the person. He is in the Central Cabinet.[167]

Such hysteria was reinforced by other speakers, even Communists. Lokanath Choudhury (CPI, Jagatsingpur) said, 'Everyday it is coming in the newspapers that ships carrying arms and ammunition are being intercepted on some coasts. It is also coming in the newspapers that customs officials are involved in carrying arms … these forces which are engaged in smuggling and destabilizations, how long are you allowing them to have an upper hand?'[168] The rising hysteria on terrorism sometimes led members of the Lok Sabha to throw aspersions on the unity of the Cabinet itself. For instance, Mamata Banerjee (All India Trinamool Congress [AITC], Calcutta south), referring to the bomb explosion in Calcutta, said that the government has lost its credibility and 'each and every minister is working independently.'[169] Ram Naik (BJP, Bombay north) pointed out, 'Along with smugglers in Pakistan, cine world is also being associated with it. In Maharashtra, the pictures of a particular person are being boycotted.'[170] Sometimes exaggerated competence was ascribed to the nation to take on challenges of national security. P.C. Chacko (INC, Trichur) said '… stock exchange in Bombay—where the blast took place—within 24 hours business could re-start. When a similar incident happened in New York's World Trade Center, for 15 days the business did not take place there.'[171] National security continued to be an anxious concern throughout the 1990s and it was not so much associated with Pakistan as with terrorism.

Identity Considerations and Political Parties

The centrality of community and nationalism expressed in religious idiom took on a different hue in the second half of the 1990s.

There was no party even remotely close to a majority after the 10th Lok Sabha. The Congress had secured only 140 seats and the BJP for the first time became the largest party securing 161 seats in the 11th Lok Sabha (see Table 3.6). There emerged parties of all hues and, apart from the Congress and BJP, it became very difficult even to name a party as having a national focus or for that matter being region-specific. The Janata Dal secured only 46 seats, but there were several parties which could be termed as belonging to the Janata *parivar* (family) who secured a sizable number of seats in the Lok Sabha such as the SOC with 17 seats. CPI (M) was the fourth largest party with 32 seats while CPI had secured 12 seats. The BSP which strongly invoked Dalit-identity politics had emerged as a major force with 11 seats. There were several parties ardently committed to upholding partisan interests such as the SHS, which had embraced militant Hindutva position from being the self-proclaimed guardian of Maharashtrian identity. The 11th Parliament mirrored the social

Table 3.6 Political Parties in the 11th Lok Sabha, 1996

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
INC	140	25.8	28.8
BJP	161	29.7	20.3
JD	46	8.5	8.1
CPI	12	2.2	2
CPI (M)	32	5.9	6.1
Samajwadi Party (SP)	17	3.1	3.3
All India Indira Congress (Tiwari) [AIIC (T)]	4	0.7	1.5
Samata Party (SAP)	8	1.5	2.2
Asom Gana Parishad (AGP)	5	0.9	0.8
Autonomous State Demand Committee (ASDC)	1	0.2	0.1
BSP	11	2.0	4
DMK	17	3.1	2.1
FBL	3	0.6	0.4
Haryana Vikas Party (HVP)	3	0.6	0.4
Jharkhand Mukti Morcha (JMM)	1	0.2	0.4
Karnataka Congress Party (KCP)	1	0.2	0.2
Kerala Congress Mani [KEC (M)]	1	0.2	0.1
MAG	1	0.2	0.04
MUL	2	0.4	0.2
RSP	5	0.9	0.6
SAD	8	1.5	0.8
Sikkim Democratic Front (SDF)	1	0.2	0.04
SHS	15	2.8	1.49
Telugu Desam Party (TDP)	16	2.9	3
Tamil Manila Congress [TMC (M)]	20	3.7	2.2
UGDP	1	0.2	0.03
All India Majlis-E-Ittehadul Muslimeen (AIMIM)	1	0.2	0.1
Madhya Pradesh Vikas Congress (MPVC)	1	0.2	0.1
IND	9	1.7	6.3
Total	543	100.0	

Sources: *Who's Who of the Fourteenth Lok Sabha*; and Election Commission Reports.

fabric of India in many respects. There was, however, no antecedent perspective regarding the direction that the polity should take in the impending coalition order. Attempts to formulate such an order eventually reached impassable barriers. Of the two large parties, the Congress harped on its glorious national legacies while the BJP advanced a distinct version of nationalism as cultural majoritarianism.

Pluralism and Coalition Politics

There was much change in the configuration of representation in the 12th Lok Sabha (see Table 3.7). While the BJP improved its position, the Janata

Dal further lost out although the splinter groups from the extended family such as the SOC, RJD, and SP gained further ground securing 20, 17, and 12 of the seats respectively. Such a showing by these parties was paradoxically a demonstration of the support that the OBCs were extending to these parties while they were incapable of holding themselves together. The CPI (M) held on to its 32 seats while the CPI experienced a radical decline securing only nine seats. Parties with a regional focus further made great advances although they might have experienced certain fluctuations in their fortunes. The BSP may not have registered much growth in terms of numbers but secured the sixth highest number of votes. Interest-based and community centred parties survived their mettle, the SHS securing six seats, a lower tally compared to what it managed in 1996. Independents lost out and there were only six of them in the 12th Lok Sabha.[172] The 12th Lok Sabha was a continuation of the trends manifest in the 11th, but political parties had not yet worked out stable arrangements to exercise power given the face of diversity manifest in the Lok Sabha.

In the 13th Lok Sabha (see Table 3.8), there was no change in the position of the BJP which secured 182 seats as in the 12th Lok Sabha, but its representative status was greatly enhanced due to the pre-election coalition that it had built up tying together a diverse range of parties. The most important members of the coalition were the Samata Party, the DMK, the SHS, the BJD, the Lok Dal, SAD, and the PMK. The TDP extended its support from outside. The SOC emerged as one of the largest parties in the 13th Lok Sabha securing 26 seats. The CPI (M) increased its tally to 33 while the CPI saw a further decline by obtaining only four seats. A large number of region-based parties found their presence in the 13th Lok Sabha, as was the case in the 12th. Some of the interest and community-based parties such as SHS made an assertive comeback. There were few independents and most of them were supported by a party. How to manage power in a setting of deep diversity and among unequal combatants became a central concern before this House.

In the 14th Lok Sabha (see Table 3.9) the Congress had taken recourse to a pre-poll alliance with other parties encompassing within it the manifest diversity of India, while taking into account the electoral prospects of the local contenders. Many political parties with their support base among the OBCs, Dalits, Adivasis, and peasants such as the RJD, NCP, JMM, and PMK joined this alliance. There were certain other parties such as the DMK which had walked out of the ruling coalition in the 13th Lok Sabha and which saw its electoral prospects enhanced by joining hands with the Congress. At the same time, some parties, who otherwise shared a common social base and even predilections as other partners in this coalition, could not be accommodated in it as their electoral prospects were not in consonance. Apart from reaching out to diversity, the Congress also pitched for secularism against what it termed

Table 3.7 Political Parties in the 12th Lok Sabha, 1998

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
BJP	182	33.52	25.59
BSP	5	0.92	4.67
CPI	9	1.66	1.75
CPI (M)	32	5.89	5.16
INC	141	25.97	25.82
JD	6	1.10	3.24
SAP	12	2.21	1.76
Arunachal Congress (AC)	2	0.37	0.05
ADMK	18	3.31	1.83
All India Indira Congress (Secular) [AIIC(S)]	1	0.18	0.12
ASDC	1	0.18	0.05
DMK	6	1.10	1.44
FBL	2	0.37	0.33
HVP	1	0.18	0.24
JKN	3	0.55	0.21
Janata Party (JP)	1	0.18	0.12
KEC(M)	1	0.18	0.1
MUL	2	0.37	0.22
Pattali Makkal Katchi (PMK)	4	0.74	0.42
RPI	4	0.74	0.37
RSP	5	0.92	0.55
SAD	8	1.47	0.81
SDF	1	0.18	0.03
SHS	6	1.10	1.77
SP	20	3.68	4.93
TDP	12	2.21	2.77
TMC(M)	3	0.55	1.4
AIMIM	1	0.18	0.13
All India Rashtriya Janata Party (AIRJP)	1	0.18	0.56
Biju Janata Dal (BJD)	9	1.66	1
Haryana Lok Dal (Rashtriya) [HLD (R)]	4	0.74	0.53
Lok Shakti (LS)	3	0.55	0.69
Marumalarchi Dravida Munnetra Kazhagam (MDMK)	3	0.55	0.44
Manipur State Congress Party (MSCP)	1	0.18	0.05
PWP	1	0.18	0.07
Rashtriya Janata Dal (RJD)	17	3.13	2.78
Samajwadi Janata Party (Rashtriya) [SJP(R)]	1	0.18	0.32
United Minorities Front Assam (UMFA)	1	0.18	0.1
West Bengal Trinamool Congress (WBTC)	7	1.29	2.42
Independents	6	1.10	2.37
Total	543	100	

Sources: Who's Who of the Fourteenth Lok Sabha; and Election Commission Reports.

Table 3.8 Political Parties in the 13th Lok Sabha, 1999

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
BJP	182	33.52	23.75
BSP	14	2.58	4.16
CPI	4	0.74	1.48
CPI (M)	33	6.08	5.4
INC	114	20.99	28.3
Janata Dal (Secular) [JD(S)]	1	0.18	0.91
Janata Dal (United) [JD(U)]	21	3.87	3.1
ADMK	10	1.84	1.93
AITC	8	1.47	2.57
BJD	10	1.84	1.2
DMK	12	2.21	1.73
FBL	2	0.37	0.35
HVC	1	0.18	0.07
JKNC	4	0.74	0.12
KEC	1	0.18	0.1
KEC(M)	1	0.18	0.1
MDMK	4	0.74	0.44
Manipur State Congress Party (MSCP)	1	0.18	0.06
MUL	2	0.37	0.23
Nationalist Congress Party (NCP)	8	1.47	2.27
PMK	5	0.92	0.65
RJD	7	1.29	2.79
RSP	3	0.55	0.41
SAD	2	0.37	0.69
SDF	1	0.18	0.03
SHS	15	2.76	1.56
SJP(R)	1	0.18	0.08
SP	26	4.79	3.76
TDP	29	5.34	3.65
Akhil Bharatiya Lok Tantrik Congress (ABLTC)	2	0.37	0.22
AIMIM	1	0.18	0.12
Bharatiya Bahujan Mahasangha (BBM)	1	0.18	0.19
Communist Party of India (Marxist-Leninist) (Liberation) [CPI (ML-L)]	1	0.18	0.33
M.G.R. Anna Dravida Munnetra Kazhagam (MADMK)	1	0.18	0.11
PWP	1	0.18	0.08
Rashtriya Lok Dal (RLD)	2	0.37	0.37
Shiromani Akali Dal (Mann) [AD(M)]	1	0.18	0.08
INLD	5	0.92	0.55
Independents	6	1.10	2.74
Total	543	100.00	

Sources: *Who's Who of the Fourteenth Lok Sabha*; and Election Commission Reports.

Table 3.9 Political Parties in the 14th Lok Sabha, 2004–9

Political Party	*Seats Won*	*% in Lok Sabha*	*% Vote Share*
BJP	138	25.41	22.16
BSP	19	3.50	5.33
CPI	10	1.84	1.41
CPI (M)	43	7.92	5.66
INC	145	26.70	26.53
NCP	9	1.66	1.8
AGP	2	0.37	0.53
AIFB	3	0.55	0.35
AITC	2	0.37	2.07
BJD	11	2.03	1.3
DMK	16	2.95	1.81
JD (S)	3	0.55	1.47
JD (U)	8	1.47	2.35
JKNC	2	0.37	0.13
Jammu and Kashmir People's Democratic Party (JKPDP)	1	0.18	0.07
JMM	5	0.92	0.47
KEC	1	0.18	0.09
MDMK	4	0.74	0.43
Mizo National Front (MNF)	1	0.18	0.05
MUL	1	0.18	0.2
Nagaland People's Front (NPF)	1	0.18	0.18
PMK	6	1.10	0.56
RJD	24	4.42	2.41
RLD	3	0.55	0.63
RSP	3	0.55	0.43
SAD	8	1.47	0.9
SDF	1	0.18	0.04
SHS	12	2.21	1.81
SP	36	6.63	4.32
TDP	5	0.92	3.04
AIMIM	1	0.18	0.11
Bharatiya Netaji Party (BNP)	1	0.18	0.04
Indian Federal Democratic Party (IFDP)	1	0.18	0.07
Lok Jan Shakti Party (LJSP)	4	0.74	0.71
National Loktantrik Party (NLP)	1	0.18	0.09
Republican Party of India (Athawale) [RPI(A)]	1	0.18	0.09
SJP(R)	1	0.18	0.09
Telengana Rashtra Samiti (TRS)	5	0.92	0.63
Independents	5	0.92	4.25
Total	543	100.00	

Sources: *Who's Who of the Fourteenth Lok Sabha*; and Election Commission Reports.

as the avowedly communal agenda of the BJP and promised to foreground the concerns of the common man in the pursuit of public policy. Such a stance of the Congress elicited the support of the Left parties who together commanded 12 per cent of the membership of the House. They extended support to the coalition on the basis of a minimum common programme. Given the diversity and raging inequalities in India, it was an unwieldy platform but something that could be defended on a principled basis and not merely as a quid pro quo arrangement. This overlaid pre-poll and post-poll alliance held out the promise of a basic minimum to all citizens while ensuring sensitivity to popular demands. Such a promise, however, depended on several variables including patronage at the behest of power. On the other hand, the opposition led by the BJP succeeded in retaining the core alliance partners of the 13th Lok Sabha and presented itself as a united opposition with extensive electoral support across diverse social constituencies. The proliferation of minor parties in the peripheries of the alliance system, post-poll alliance partnerships, and footloose players made the art of managing coalitions intricate and cumbersome.

States and Representation in the 1990s

Prior to the 1990s, larger states such as Uttar Pradesh and Maharashtra exercised a great deal of influence on the making of the central government. They also shaped policies at the centre by throwing their weight behind the ruling party. While there was an expansion of federal units in the 1970s and 1980s, they were confined to certain regions such as the Northeast or were extension of recognition to an already existing unit such as Goa. Such exercises did not affect major federal units in the rest of the country. However, at the end of the 1990s three new units were carved out as states, Uttaranchal, Jharkhand, and Chhattisgarh. While they affected, to an extent, the weight that Uttar Pradesh, Bihar, and Madhya Pradesh commanded in the Lok Sabha, they did not diminish their relative representative weight inordinately. However, given the nature of the coalition even a small state could now command a presence in the Lok Sabha, which it rarely did under the dispensation of one-party dominance. In fact, the calculation of the states increasingly tended to be utility driven while extending support to a leading coalition partner at the national level. No state, however big, could have its say in the federal affairs. There was a relative equality of federal units that came to be asserted along with greater focus of their representatives to further the interests of their respective units. Regionally based parties basically worked to advance the interests of their respective states and thereby consolidated their hold within their regions.[173] In a way, the notion of representation had undergone a full circle. While in the 1950s members of the Lok Sabha were asked to put the interests of the nation ahead of their regions and communities, members of the House now felt that

it was quite legitimate to uphold the interests of their regions and communities. The redrawing of Indian federalism in the 1990s contributed no less to the expansion of democracy as the growing presence of excluded groups and marginalized communities did in shoring it up.

Shift to Identitarian Politics

By 1996, the conception of representation in the Parliament became strongly evocative of identity and a sense of affiliation, an attribute that was undoubtedly present in Indian electoral politics from early on but was not forthrightly acknowledged. Electoral battles came to be deeply marked by identity markers as were the interventions in the House. Region, language, and religion became important emblems of representatives and there was no hesitation among the Parliamentarians in declaring such an affinity. The role of representation was seen as negotiating diverse identities across groups while representatives retained their primary loyalty to an identity. It greatly heightened the presence of deep but often conflicting diversity in India. The Congress, initially, was wary of according high value to identity markers and strove to conflate them within the yardstick of 'unity in diversity'.

In the 1990s, ascendant Hindutva became in a pre-eminent way the marker of identity and came to equate itself with Indian nationalism. Rajni Kothari has told us how and why in the 1960s Indian democracy came to be anchored on castes and why such an anchoring was inevitable in the context.[174] Castes and communities were swept along by the tide of democracy. But the discourse of democracy problematized the relationship between caste and community on one hand, and democracy on the other. What we find in the 1990s is an attempt to collapse this difference and to argue that the responsibility of the representatives primarily lies in furthering the interests of the social groups they belonged to. Such a stance came to be proposed from several directions and was highly favourable to the BJP for the grooming of Hindu majoritarianism. The BJP called for positive secularism to guide public affairs based on the majoritarian verdict. It attacked the Congress for being overtly tilted towards minorities and not according equal treatment to the Hindu majority. Although couched in the language of rights, this position primarily upheld an idea of representation grounded on identities. This argument came to be picked up by other parties who argued that within the fold of Hinduism there are diverse strata primarily based on castes that have been denied equality and they laid their claim to represent these groups. In this sense, there was not much of a difference between a party like the RJD or the socialist parties or the BSP who claimed to represent the Backward Classes, Muslims, and Dalits, respectively. This turn towards identity came to be manifest in other respects as well. There emerged parties which appealed to regional and linguistic identities and saw

themselves as the spokespersons of such identities as was the case with the TDP. Once regional and linguistic demands came to be raised, then sub-regions within a state could always claim that they have been accorded step-motherly treatment and seek autonomy or separate statehood. There were a plethora of such demands in the 1990s. The stridency of the assertion of identities often became a measure of revolutionary zeal, which in an earlier era revolved around issues of justice and equal rights. In the changed context, a regional party such as the SHS which was based upon the urban lower middle class converted itself into the militant guardian of Hindu identity.

This shift of representation towards identitarian concerns had a larger intellectual context although this context was not seriously reflected in the politics of representation of identities in India. This larger context was to accord significance to considerations of difference and recognition around which identity concerns came to be posited. In the absence of an involved and inclusive public debate on how to accommodate multiple, layered, and deeply diverse identities within the domain of equal representation, and evolving appropriate principles towards such an end, the political process was called upon to bear the fullest brunt of such concerns, often leading to the formation of coalition governments largely resting upon identity considerations.[175] In the process, citizenship rights and equal claims were being eased out from the parliamentary portals and the Judiciary increasingly came to step in as their guardian.

Anti-defection Provisions and their Bearing on Representation

The notion of representation underwent significant changes with the passing of the anti-defection law in India. By the 52nd Constitution Amendment Act, 1985, popularly known as the Anti-Defection Law, the 10th Schedule was inserted in the Constitution of India providing for disqualification of a member of either House of Parliament or of a state Legislature found to have defected from a party to another while continuing as a member of the House. The anti-defection provisions were based on the principle that 'an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member'. The authority to decide a case of defection rested with the Speaker or Chairperson of the concerned House. In the *Jagjit Singh* v. *State of Haryana* case, the Supreme Court too upheld the validity of this principle.

One of the major objections against the provision of this Act has been its bearing on the idea of representation. The concept of disqualification for defection could be seen as a violation of the fundamental values and principles underlying Parliamentary democracy by denying an elected representative his freedom of speech, right to dissent, and freedom of conscience. Parliamentary

democracy envisages that matters involving implementation of policies of the government should be discussed by the elected representatives of the people. Debate, discussion, and persuasion are the very essence of the democratic process. Further, it was argued that the investiture of power to adjudicate disputed cases by the Chairmen/Speakers, who are nominees of political parties and are not obliged to resign from their parties, does not stand the test of an independent and impartial adjudicatory machinery.

The Court, however, ruled that the provisions of the Act do not violate the freedom of speech, freedom of vote and conscience of representatives; nor do they violate any rights or freedoms under Articles 105 and 194 of the Constitution. The anti-defection law seeks to recognize the practical need to place the proprieties of political and personal conduct upfront. The provisions are intended to strengthen the fabric of Indian Parliamentary democracy by curbing unprincipled and unethical political defections. The Court thinks that a political party functions on the strength of shared beliefs. Its own political stability and social utility depends on such shared beliefs and concerted action of its members in furtherance of those commonly held principles. In the opinion of the Court, a candidate gets elected on the basis of the programme of his political party. If after the election, he changes his affiliation, then he should give up his membership of the Legislature and go back before the electorate. The Court quoted Griffith and Ryle, saying, 'Loyalty to party is the norm, being based on shared beliefs. A divided party is looked on with suspicion by the electorate. It is natural for members to accept the opinion of their Leaders and Spokesmen on a wide variety of matters on which those members have no specialist knowledge.'[176]

The provisions of the 10th Schedule reinforce the representative role of political parties enormously by recognizing their role in the political process. While the Act as enacted initially and the subsequent amendment to the Act have curbed the evil of defection to a great extent, they have not succeeded in ending the evil fully. However, they have enormously increased the authority of party leadership and can curb inner party democracy. It can be argued that the provision has become a major hurdle in fresh thinking within parties and have had a deleterious impact on debates in Parliament. We will have an occasion to discuss this issue further later in this study.

CHANGING NATURE OF REPRESENTATION: PERCEPTION

What are the merits and weaknesses of the system of representation that India has pieced together over time? Has the system outlived its utility?

We sought to know from public intellectuals their estimation of the quality of representation in the Parliament and how it has changed over time.[177] We

expected the respondents not to exclude options but to rank them. The public domain often judges an institution like the Lok Sabha and the behaviour of members of the Parliament on grounds of some, but often inchoate, idea of representation. The responses of the public intellectuals provide a point of view regarding representation which the Lok Sabha debates may not convey but, at the same time, which affect the place and position of the representative.

The Merit of the System

It is interesting to note that our respondents feel that the great merit of the representative system operational in India is its capacity to accommodate differences (see Table 3.10). Based upon the first four choices out of 10 regarding the characteristics of the Lok Sabha, nearly 50 per cent (55 out of 121) think that accommodating differences has been its signal achievement over the years. Its other merits lie in accommodating dissent and protest in responding to the demands arising in society, in supplying political leadership at all levels of the system, in providing a voice to small minorities, in affording a robust growth of the party system, and in ensuring overall accountability. It has a poor record in ensuring political stability and in providing an efficient output and delivery mechanism in that order. From the reverse side, the highest number of our respondents, on the basis of according the lowest rank, also broadly endorsed this point of view. While these observations seem to be borne out by the literature galore on this issue, the responses seem to indicate the continued relevance of the system and why large masses still flock to the voting booths. While all the objectives stated may be desirable, if they can be ensured, nobody is prepared to trade off the benefits that he/she has from the system for something else. Further, these responses are an assessment of the overall system, and the merits of the system that have been highlighted constitute some of the deeply sought public goods in a complex polity such as India. The responses do not indicate that the system has outlived its utility.

Understanding Representatives

If we consider the first four preferences in Table 3.11, the maximum number of our respondents feel that members of Parliament accord highest priority to being members of political parties which are mandated to carry out a set of tasks. However, interestingly, there is a close rival view which suggests that representatives regard themselves as trustees of the interests of the constituencies they represent. While an overlapping between these two positions cannot be entirely ruled out, wherein members do not see a conflict between being trustees of the interests of the constituency and being members of political parties entrusted with a task, sometimes these two roles may run into conflict

Table 3.10 The Merit of the System

Q1. Reviewing the Parliamentary system of India I feel that it has provided (kindly rank your response by placing 1, 2, 3, and so on, as the case may be against the following)										
	1st	*2nd*	*3rd*	*4th*	*5th*	*6th*	*7th*	*8th*	*9th*	*10th*
a.	16	18	11	12	11	18	33	4	2	0
b.	55	22	17	6	3	4	0	1	2	0
c.	5	16	15	12	18	12	11	5	4	0
d.	9	27	15	16	11	11	4	0	3	0
e.	7	8	12	13	9	9	10	14	7	0
f.	9	6	13	8	8	8	11	16	15	0
g.	2	1	7	3	6	12	12	19	20	0
h.	5	8	14	10	8	7	18	14	10	0
i.	11	15	23	15	12	4	6	4	6	0
j.										4

Source: Questionnaire administered to public intellectuals.

Notes: No Response = 1; No Prioritization = 1; N = 121; a. A responsive system; b. A system that can accommodate diversity; c. A system that has provided voice to small minorities; d. Political leadership at all levels of the system; e. A robust growth of the party system; f. Political stability; g. An efficient output and delivery mechanism; h. A system that has ensured overall accountability; i. A mechanism to accommodate dissent and protest; j. Any other.

Table 3.11 Conception of Representation

Q1. Taken as a whole, what do you feel is the conception of representation that members of the Lok Sabha take overboard? (rank you answer)						
	1st Pref	*2nd Pref*	*3rd Pref*	*4th Pref*	*5th Pref*	*6th Pref*
a.	32	25	16	10	9	11
b.	19	21	23	8	20	9
c.	32	18	17	25	6	4
d.	16	12	23	25	10	8
e.	6	18	16	11	26	13
f.	15	12	8	10	13	31

Source: Questionnaire administered to public intellectuals.

Notes: No Response = 1; No ranking = 2; N = 121; a. Being trustees of the interests of the constituency; b. Being trustees of the voters who elected him/her; c. Being members of political parties which are mandated to carry out a set of tasks; d. As leaders who have been sent by their voters to fulfil a set of tasks for them within a specified period; e. Those who bear in their person the marks of a specific identity which has to be highlighted (Adivasi, Dalit, and others); f. A personal achievement whose benefits can deservedly be appropriated. One person has not marked any of the above.

creating major tensions between representatives and their political parties. The other two priority considerations ascribed to representatives are, being trustees of the voters who elected them, and being leaders sent by their voters to fulfil a set of tasks within a specified period. These twofold demands

may again pitch a representative against the party particularly in the deeply diverse and sprawling constituencies in India. It may explain to an extent the splits within parties and formation and regrouping of political parties at great frequencies. This also demonstrates the weakness of the arguments of the proponents of the two-party system in India and those who mock at the frequent fragmentation of political parties. The demands on a representative are often incommensurable. Further, while identitarian ascriptions are galore, our respondents feel that that it has the least bearing on the choices that representatives make. In other words, amidst a set of contending demands put on them representatives accord the least priority to promote interests of their community, caste, religion, language, and the like, unless these interests enjoy wider support in their Party and among the electorate. As per our respondents a good proportion of the representatives, however, regard their position as a personal achievement which they might be prone to convert into a personal asset. Promotion of narrow and sectarian concerns might be deeply bound with such appropriation.

Shift in Representation

Except for six respondents, the rest felt that the nature of representation in the Lok Sabha has undergone a shift over the years (see Table 3.12). They advanced various explanations for this shift. Some felt that the lower sections of society that were neglected have realized the strength of their vote and are increasingly asserting the direction of representation. Some others felt that the corruption of institutions does not let peoples' mandate to have its say. One of the issues that came through in these responses is the recognition of responsibility of representatives to their respective constituencies. Some of the respondents felt that representation has tended to be much more inclusive over time, although that inclusion has not encompassed women as yet. A few, however, felt that the notion of representation has lost its sense of responsibility and has become an exercise in grabbing power and increasing personal profit. Some expressed the view that the hold of political parties over their representatives in the Lok Sabha has grown stronger over the years. Many saw the representatives caught in very narrow visions of their representation. It did not go beyond caste and religious identity. Others, however, admitted that representation

Table 3.12 Changing Nature of Representation

Q2. Do you see a shift in the nature of representation over the years?			
Yes	No	No Response	N
101	6	12	119

Source: Questionnaire administered to public intellectuals.

has increasingly become much more broad-based and groups and regions which were under-represented are increasingly asserting themselves. Of course, there was a flip side to this account that has led money bags, criminals, and musclemen worm their way to corridors of power. Respondents such as Asghar Ali Engineer felt that inclusive representation has often reinforced the hold of communal outfits and Hindu hierarchy. While there was universal agreement on the shift in representation, there was much less agreement on its consequences for the broad-basing of Indian democracy.

Opposition as Representation

The majority were highly critical of the role that the opposition in the Lok Sabha has played in upholding the idea of representation (see Table 3.13). However, a minority felt that the opposition has done credibly well in this regard. Some of our respondents felt that sometimes the opposition in the Lok Sabha just thrives by being the opposition instead of considering itself as accountable to the public. Many of them, however, felt that the role of the opposition has undergone significant changes under the coalition era. Our respondents subjected personalized opposition to trenchant criticisms and the Left parties were generally seen as doing a credible job of being the opposition in comparison to other political parties.

Table 3.13 Role of the Opposition

Q6. Do you feel that the opposition in the Lok Sabha has played its role befittingly?

Yes	No	No Response	N
24	93	4	121

Source: Questionnaire administered to public intellectuals.

It is surprising that many of our respondents think that the 1950s was the best phase of the opposition in the House (see Table 3.14). On the surface, we may say that since a vast majority of our respondents see the 1950s as the golden period of Parliamentary democracy in India the opposition too is allowed to bask in the reflected glory. However, one could probably argue that the force of the arguments that the opposition deployed and the vision that it sustained in the 1950s was much better in comparison to the later periods. Such a conclusion seems to be warranted by the credit that our respondents give to the opposition in the 1970s, be it in the fifth or sixth Lok Sabhas. In the 1990s the size of the opposition in the House has definitely grown, but our respondents feel that it has not succeeded in mounting a concerted and consistent affront to the ruling party or coalition. We will have an occasion to return to this issue later where we have suggested that this impression quite etched in our public domain is far from true.

Table 3.14 Exemplary Phase of the Lok Sabha

Q7. Which of the following periods would you identify as characterized by an effective opposition?		
Early 1950s	61	Note: No Response = 5: Individuals have marked more than one period as times of effective opposition: N = 121
Late 1970s	42	
Late 1990s	19	

Source: Questionnaire administered to public intellectuals.

Creativity and Dynamism

We asked a series of questions to intellectuals to rate the performance of the House on a scale of desirable characteristics, that is, the initiative, dynamism, and creativity that it has demonstrated over the years (see Table 3.15).

A vast majority of our respondents felt that the Lok Sabha as an institution has displayed little creativity over time (see Table 3.15). Many of them felt that the debates in the Lok Sabha have been shallow and superficial and only a small stratum of the members took an active interest in the chores and deliberations of the Parliament. The Parliament, above all, is an association of equal and free members but our respondents felt that values of deference to seniors/ leaders, hierarchy and ranking based on caste/class/status, patriarchy and the likes, have dominated the disposition of the Parliamentarians. Except one, all our respondents felt that a majority of the members do not make a close study on the bills and other business transactions of the house. Overall our respondents had little to commend on the health of the institution. While much of this assessment might have been prompted by limited information about the functioning of the House in the public domain, it indicates that the House did not beget, easily and unreflectively, confidence in itself and has not provoked adequate ardour. We will have occasion later to advance evidence that such an impression of the Lok Sabha is far from true.

* * *

In a post-colonial setting, such as that of India, representation is an over-laden concept. Representatives, in this context, collectively have to shoulder the responsibility of protecting the arena of freedom which colonialism deprived them of, and ensuring a set of basic primary goods that can enable them to advance other rights and considerations. Representatives are not political philosophers to argue out a set of priorities and consistently hold on to them over time. However, in the collective deliberations of the House, certain priorities have been truly set forth and together they speak for the calibre of the Indian Parliament that is much at variance with its perception by intellectuals in India. In the 1950s, the leading idea of representation that dominated the deliberations of the Lok Sabha was the privileging of the nation. However, even

Table 3.15 Outstanding Characteristics of the Institution

Q8. If you have to choose between Yes and No on the following propositions what would you choose?

i. The Indian Lok Sabha has not thrown up any creative response of its own and has largely remained in the shadow of the Executive:

Yes	No	No Response	N
79	35	5	119

ii. The debates in the Indian Parliament have been shallow and superficial:

Yes	No	No Response	N
81	33	5	119

iii. Only a small stratum cutting across political parties has remained active in the chores and deliberations of the Parliament. The rest have remains inactive and indifferent:

Yes	No	No Response	N
113	5	1	119

iv. Values of deference (to seniors/leaders), hierarchy and ranking (caste, class/status), patriarchy (men are superior to women), and conceding of merit (good speaker, good achiever, and so on) have dominated the disposition of Parliamentarians in the Lok Sabha than sound reasoning, argumentation, and public interest:

Yes	No	No Response	N
102	11	6	119

v. A majority of members of the Lok Sabha do not do any spadework on the bills and other business transactions of the House or on the questions and issues placed before the House:

Yes	No	No Response	N
115	2	2	119

Source: Questionnaire administered to public intellectuals.

at this stage nationalism and representation did not always enjoy a one-to-one relationship. There were several other relations that interjected and questioned fossilized ideas regarding the nation. Identity and solidarity with the region is an important issue that jostles for attention in the deliberations of the Lok Sabha in the 1950s. There were some who tended to suggest a correlation between representation and the dominant party, the Congress, but such a simplistic equation was strongly rebutted by the others. Many members of the Lok Sabha were highly uncomfortable when they were asked to swim with the tide forgetting the context they hailed from, such as religious belonging, cultural affiliations or the marks of disadvantage. There was an overt tendency to argue for a homogenized, levelling down notion of the nation. While a few seemed to be comfortable with it, several others thought that such a position was a mask to protect vested interests and prejudices of all kinds. They felt that

it could be not just patronizing but, in time, could have the potential to violate the domain of rights.

In the 1970s there was a clear divide on the issue of representation. One segment of this divide argued that the most important consideration before representatives should be being responsive to the basic needs of the electorate and the citizens in general. They also thought that state power existed to serve such an end, and what constituted the basic needs of the citizenry was obvious. Accountability was pegged on to such a criterion. There was another section which thought that such an approach could easily lend itself to authoritarianism, denial of rights, and a highly restricted conception of democracy that may whittle down civil rights and institutions further. The latter, at least a segment of it, thought that people should have a say in determining thèir wants and their priorities, in spite of widespread poverty and modes of oppression in the land.

In the 1990s, the decisive weight of the Indian polity had shifted to a wholly different terrain. Regions, identities, affiliations of all kind, castes and communities had bounced back on to the public arena with a vengeance. They were there earlier, much more cushioned in localities and regions and in the twilight spaces of the private–public divide. However, their assertive presence in the public sphere in the 1990s had great impact not merely on the making of the Lok Sabha, but also on the kind of debates that came to dominate its deliberations. Members of the Lok Sabha demonstrated a great deal of deference to these considerations partly because they imagined themselves to be the authentic representatives of such expressions, and pragmatic considerations often made them highly amenable to their pressures. In a way, the notion of representation was losing a sense of centrality in the 1990s which came to be reflected in the fragmentation of political parties themselves. Coalition governments became its inevitable outcome. In this context, the market released from the shackles through a policy of liberalization positioned itself as the pillar around which the polity would revolve. The growing consensus within the Lok Sabha regarding this policy in a way reflected the emerging centrality of the market.

We have referred to the element of presence to make representation fair and it has been one of the important considerations that went into the making of the preferential regime in India. There is, however, a big difference when presence is provided by the formal–institutional mechanisms as has been the case with SCs and STs until the 1980s and when it is politically advanced through mass mobilization and voter-preferences. The proportion of Dalit members of the Lok Sabha remained almost the same in the 1990s as it was in the previous decades but their political presence has grown enormously. It is also important to note that growth of the presence of a significant social element in the House does not necessarily beget greater responsiveness towards it or accountability

to the promises made except in a symbolic way. While the electoral mobilization of the OBCs in the 1990s has led its leaders to argue the case of a small stratum for preferential considerations, there have been few measures that have been consistently and operationally pursued to endow large masses with any set of meaningful gains. Presence need not necessarily be accompanied with responsiveness and accountability.

The intellectuals who have responded to our queries on this issue themselves seem to be caught in contradictory stances. On the one hand, they think that the 1950s was the glorious era of the Lok Sabha but at the same time they admit that the notion of representation that prevailed then was far too narrow and elitist. Most of them admit that in the 1990s a large number of people who had little say in deciding public affairs earlier had begun to make their presence felt. They also felt that one of the great strengths of Indian democracy has been its capacity to reach out to diversity and make minorities feel like stake holders in the society that they live in. Such aspirations, they admit, have come to be realized much more in the 1990s than they were in the 1950s.

NOTES

1. Hannah F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967), p. 209.
2. See A.J. Schumpeter, *Capitalism, Socialism and Democracy* (London: Allen and Unwin, 1952), chapters 20–2.
3. See Anne Philips, *The Politics of Presence* (Oxford: Clarendon, 1995), p. 24.
4. The British introduced separate electorates, as a matter of policy, in India after the Minto–Morley reforms in 1909. Some of the great contentions on representation in India revolved around this issue.
5. See *Report of the Indian Franchise Committee*, vol. 1 (Calcutta: Central Publication Branch, 1932).
6. For Ambedkar's arguments in this regard, see Valerian Rodrigues, 'Ambedkar on Preferential Treatment', *Seminar*, 549, May 2005, pp. 55–61.
7. Sunil Khilnani uses the term 'descriptive representation against representation through ideas or philanthropic representation' to denote this process. However, it has to be remembered that many of the arguments in India against a liberal mode of representation did not necessarily collapse into identity concerns. For the statement, see 'The Indian Constitution and Democracy', in Zoya Hasan, E. Sridharan, and R. Sudarshan (eds), *India's Living Constitution* (New Delhi: Permanent Black, 2002), pp. 64–82.
8. B.R. Ambedkar, 'Evidence before the Southborough Committee', in S. Thorat and Narender Kumar (eds), *B.R. Ambedkar: Perspectives on Social Exclusion and Inclusive Policies* (New Delhi: Oxford University Press, 2008), p. 68.
9. Mohammed Iqbal wrote to Jinnah, 'It is obvious that the only way peaceful India is possible is redistribution of the country on the lines of social, religious, and linguistic affinities.' Bimal Prasad, *Pathways to India's Partition*, vol. II (New Delhi: Jawahar, 2000), p. 447.
10. Valerian Rodrigues (ed.), *The Essential Writings of B.R. Ambedkar* (New Delhi: Oxford University Press, 2002), p. 92.
11. See Thorat and Kumar, *B.R. Ambedkar*, p. 163.

12. Ibid., p. 161.

13. For the distinct views of Maulana Azad on this issue, see Mushirul Hasan (ed.), *Islam and Indian Nationalism: Reflections on Abdul Kalam Azad* (New Delhi: Manohar, 1992).

14. See B. Shiva Rao, *The Framing of India's Constitution: Select Documents*, vol. 2 (Nasik: Government of India Press, 1968), pp. 62–3.

15. See I.A. Ansari, 'Minorities and the Politics of Constitution Making in India', in D.L. Sheth and Gurpreet Mahajan (eds), *Minority Identities and the Nation State* (New Delhi: Oxford University Press, 1999), pp. 113–37.

16. *CAD*, Vol. V, p. 273.

17. *CAD*, Vol. VII, p. 1250.

18. *CAD*, Vol. VIII, p. 330.

19. See Shefali Jha, 'Rights versus Representation: Defending Minority Interests in the Constituent Assembly', in Rajeev Bhargava (ed.), *Politics and Ethics of the Indian Constitution* (New Delhi: Oxford University Press, 2008), p. 348.

20. A political leader who had taken a gutsy interest on this issue was Somnath Chatterjee, the Speaker of the 14th Lok Sabha, 2004–9. He subscribed to an enveloping accountability of representatives, 'to the people who elect him, to the political party to which he is affiliated, and above all to the society and the nation as a whole.' He stressed the need to restore public confidence and trust in the integrity of the representatives. While being aware of the possibility of the misuse of the device, he upheld the people's 'right to recall' an elected representative who failed to live up to the expectations of his constituents. He felt that the 'recall' device would encourage the citizens to monitor the conduct of their elected representatives and help build an informed citizenry. See Address at the Host Branch Plenary Session on 'Right to Recall as a Strategy for Enforcing Greater Accountability of Parliaments to the People', 53rd Commonwealth Parliamentary Conference, New Delhi, 28 September 2007.

21. See Chapter 7 of this volume.

22. See Rajni Kothari, 'The Congress System in India', *Asian Survey*, vol. 4, no. 12, December 1964, pp. 1161–73.

23. The distinction between these types of parties is largely tentative. Nationalism and regional autonomy could be interests, and interests themselves could be of various kinds. A party, such as the Scheduled Castes Federation, by emphasizing on rights, democracy, and preferential treatment as its governing principles, stood for an inclusive conception of nation in comparison with the Bharatiya Jan Sangh (BJS) which stood for an exclusive, Hindu majoritarian view of nation. For the BJS during this period, see Craig Baxter, *Jan Sangh: A Biography of an Indian Political Party* (Philadelphia: University of Pennsylvania Press, 1969).

24. The conception of the nation by Ramaswami Naicker or Periyar is at marked variance with that of mainstream nationalism. See V. Geetha and S.V. Rajadurai, *Towards a Non-Brahmin Millennium: From Iyothi Thass to Periyar* (Calcutta: Samya, 1998).

25. See Valerian Rodrigues, 'Dalit Bahujan Discourse in Modern India', in V.R. Mehta and Thomas Pantham (eds), *Political Ideas in Modern India: Thematic Explorations* (New Delhi: Sage, 2006), pp. 46–72.

26. See C. Lakshmanan, 'Personality Cult in Tamil Nadu Politics: A Study of the Culture of Dravidian Parties', PhD Dissertation, unpublished, Jawaharlal Nehru University, New Delhi, 2001.

27. See J. Dasgupta, *Language, Conflict and National Development* (Berkeley: University of California Press, 1970) and Y.D. Phatke, *Politics and Language* (Bombay: Himalaya Publishing House, 1979).

28. The 84th Constitutional Amendment fixed the number of seats allotted to different state-units in the Lok Sabha. See Chapter 1, note 58 of this volume.

29. The debate on such issues as Citizenship Act, States' Reorganization, Representation of People's Act express these concerns.

30. *Parliamentary Debates* (*PD*), vol. 1, Part II, 13 May 1952–11 June 1952, p. 34.

31. Ibid., p. 220.

32. *Lok Sabha Debates* (*LSD*), vol. XXXIV, 31 August 1959–12 September 1959, pp. 5587–8.

33. Ibid., pp. 6560–1.

34. *LSD*, vol. LIX, 25 November 1961–1 December 1961, p. 1589.

35. Ibid., pp. 1590–3.

36. Ibid., p. 6493.

37. Ibid., pp. 6536–54.

38. *LSD*, vol. VI, Part II, p. 8.

39. The Government of India changed its stance in this regard after widespread agitation carried under the auspices of the Samyukta Maharashtra Samithi headed by S.M. Joshi.

40. *LSD*, vol. VI, Part II, pp. 846–8.

41. Ibid., pp. 1110–11.

42. Ibid., pp. 991–4.

43. Ibid., pp. 1191–2.

44. Ibid., p. 1285.

45. Ibid., pp. 9520–66. Considerations on regional disparities came to be expressed from diverse ideological perspectives. There were representatives drawn from princely and feudal backgrounds who expressed such concerns to reinforce their hold on their respective regions, while there were others who did so from an inclusionary perspective.

46. Ibid., pp. 1267–82.

47. Ibid., pp. 4269–88.

48. *LSD*, vol. XLIV, 1 August 1960–12 August 1960, p. 96.

49. *LSD*, vol. LX, 2 December 1961–8 December1961, pp. 2954–7.

50. Ibid., pp. 2976–83.

51. Ibid., pp. 13,409–503.

52. *LSD*, vol. X, 26 November 1962–4 December 1962, pp. 2095–100.

53. *PD*, vol. 1, Part II, 13 May 1952–11 June 1952, p. 216.

54. Ibid., p. 248.

55. *LSD*, vol. XXXIV, 31 August 1959–12 September 1959, pp. 6400–23.

56. In this context the comment of Balveer Arora is noteworthy: 'One must guard against painting too rosy a picture of parliamentary functioning under one-party dominance. When required, the opposition was severely dealt with; and dissent, whether from the opposition or from within the Congress, was brooked only if it remained within manageable limits'. Balveer Arora, 'The Indian Parliament and Democracy', in Ajay K. Mehra and Gert W. Kweck (eds), *The Indian Parliament: A Comparative Analysis* (New Delhi: Konark, 2003), p. 16.

57. *LSD*, vol. XXXIV, 31 August 1959–12 September 1959, pp. 316–24.

58. Ibid., pp. 2449–55.

59. It is important to note that these concerns raised in the second Lok Sabha have not been satisfactorily resolved so far. In the armed forces and in the higher Judiciary there is no reservation, and the late President K.R. Narayanan even wrote to the Supreme Court asking it to reconsider its policy of not granting reservation in the Judiciary. But the Judiciary has not considered this issue so far.

60. *LSD*, vol. V, 8 June 1962–16 June 1962, pp. 10, 938.
61. *PD*, vol. I, Part II, 13 May 1952–11 June 1952, pp. 283–8.
62. *LSD*, vol. XIV, 1 August 1960–12 August 1960, p. 96.
63. *LSD*, vol. LXI, 12 March1962–26 March1962, pp. 1798–814.
64. See Partha Chatterjee, *Nation and its Fragments: Colonial and Post-Colonial World* (New Delhi: Oxford University Press, 1994).
65. A month before Nehru moved the resolution at the Avadi Session of the Congress on 21 January 1955, he had moved a resolution upholding the same objective in the Lok Sabha that was adopted. This resolution was made following the introduction of the Bill on the Fourth Amendment to the Constitution, to Article 31 dealing with property rights. This resolution used the term 'socialistic pattern of society' as the nation's goal. (See Granville Austin, *Working a Democratic Constitution: The Indian Experience* [New Delhi: Oxford University Press, 1999], p. 107). However, the Avadi resolution is generally cited with regard to the adoption of the resolution on 'socialistic pattern' of society.
66. The Constitution (Fourth Amendment) Bill 1954, *Report of the Joint Committee* (New Delhi: Lok Sabha Secretariat, 1955), p. v.
67. Cited in Granville Austin, *Working a Democratic Constitution*, p. 110.
68. Ibid., p. 110.
69. The Life Insurance Corporation of India under pressure from the central government bought shares worth Rs 1.2 crore in firms owned by Haridas Mundhra to bail him out of a crunch. The storm this incident created in the Parliament compelled T.T. Krishnamachari to resign as Finance Minister.
70. *LSD*, vol. XVII, 13 April 1963–18 April 1963, pp. 9566–80.
71. Ibid., pp. 9576–80.
72. *LSD*, vol. XIV, 13 August 1963–26 August 1963, pp. 167–73, 1219–340, 1535–674, 1807–968, and 2086–240.
73. *LSD*, vol. XIV, 1 August 1960–12 August 1960, pp. 735–42.
74. Ibid., pp. 750–62.
75. Ibid., pp. 762–8.
76. Ibid., pp. 1613–14.
77. Ibid., pp. 1659–73.
78. *LSD*, vol. LIX, 25 November 1961–1 December 1961, pp. 1365–7.
79. M. Manisha, 'Parliamentary Democracy in India: Class Character of the Lok Sabha', in Aneek Chatterji (ed.), *Indian Parliamentary Democracy in Transition* (Kolkata: Department of Political Science, Presidency College, 2005), p. 166.
80. Ibid.
81. *CAD*, Vol. 1, pp. 57–65.
82. See Marc Galanter, *Competing Equalities: Law and Backward Classes in India* (New Delhi: Oxford University Press, 1984), pp. 93–105.
83. The 1970s saw a remarkable increase in these proportions: in 1971 and 1977, the voter turnout for the Lok Sabha elections increased to 55.3 per cent and 60.5 per cent respectively. Tamil Nadu registered a voter turnout of 71.8 per cent and Delhi 78.8 per cent in 1971. While Kerala registered voter turnout of 79.2 per cent in 1977, it was 73.3 per cent in Haryana.
84. A term employed by M. Manisha to indicate 'home educated political elite' ('Parliamentary Democracy in India', p. 166).
85. This stridency and angularity was sometimes ridiculed by some of the older members. Piloo Modi once went into the Parliament donning a shirt with the logo, 'I am a CIA Agent'.
86. See Javeed Alam, *Who Wants Democracy?* (New Delhi: Orient Longman, 2004).

87. *LSD*, vol. XIV, 12 March 1968–26 March 1968, pp. 847–92.
88. Ibid., pp. 892–930, 2302–98.
89. *LSD*, vol. XXXI, 4 August 1969–18 August 1969; no. 18, pp. 216–301; no. 19, pp. 230–66; no. 20, pp. 267–88.
90. Lakkappa was elected from the PSP in 1967 but in the subsequent three elections, 1971, 1977, and 1980, he was elected from the Congress.
91. *LSD*, vol. XIV, 21 June 1971–2 July 1971; no. 22, pp. 243–4.
92. *LSD*, vol. III, 7 June 1971–18 June 1971, no. 16, pp. 110–13, 120–1.
93. *LSD*, vol. III, 31 July 1971–12 August 1971, no. 53, pp. 204–50; no. 54, pp. 193–426.
94. *LSD*, vol. VIII, no. 2, 15 November 1971–26 November 1971, pp. 277–380.
95. Ibid., pp. 198–211.
96. *LSD*, vol. XIV, 12 March 1968–26 March 1968, pp. 3402–46.
97. *LSD*, vol. VII, 31 July 1971–12 August 1971; no. 55, pp. 202–61.
98. *LSD*, vol. VIII, 15 November 1971–26 November 1971, pp. 258–61.
99. *LSD*, vol. IX, 29 November 1971–9 December 1971, no. 6, pp. 160–6; no. 17, pp. 11–16; no. 18, pp. 2–40. Also note, play on the nuances of language use in Ranen Sen's Intervention, ibid., no. 17, pp. 5–10.
100. *LSD*, vol. IX, 29 November 1971–9 December 1971, no. 17, p. 510.
101. *LSD*, vol. XI, 24 May 1971–4 June 1971, no. 1, pp. 180–4, 190–206.
102. *LSD*, vol. II, 24 May 1971–4 June 1971; no. 2, pp.198–285; no. 3, pp. 187–226.
103. Ibid., pp. 202–15.
104. Ibid., no. 9, pp. 173–91.
105. *LSD*, vol. IX, 29 November 1971–9 December 1971, no. 15, pp. 2–237.
106. Ibid., pp. 37–120.
107. *LSD*, vol. IX, 29 November 1971–9 December 1971, no. 20, p. 3.
108. *LSD*, vol. XV, 10 May 1972–23 May 1972, no. 48, pp. 227–74.
109. LSD, vol. XVIII, 14 August 1972–28 August 1972, no. 20, pp. 219–332.
110. *LSD*, vol. III, 7 June 1971–18 June 1971, no. 16, pp. 99–110, 133–59.
111. *LSD*, vol. VII, 31 July 1971–12 August 1971, no. 58, pp. 259–319.
112. *LSD*, vol. VIII, 15 November 1971–26 November 1971, no. 2, pp. 199–231.
113. *LSD*, vol. VIII, 15 November 1971–26 November 1971, no. 18, pp. 273–314.
114. *LSD*, vol. VIII, 15 November 1971–26 November 1971, no. 7, pp. 306–8. Also see pp. 254–331.
115. *LSD*, vol. IX, 21 June 1971–2 July 1971, no. 21, pp. 110–46.
116. *LSD*, vol. IX, 29 November 1971–9 December 1971, no. 11, pp. 221–37.
117. Ibid., pp. 186–213.
118. *LSD*, vol. XIII, 11 April 1972–20 April 1972, no. 29, pp. 244–92.
119. See Sukomal Sen, *Working Class of India: History of Emergence and Movement, 1830–1990* (Calcutta: K.P. Bagchi & Co, 1997).
120. See Ghanshyam Shah, *Protest Movements in Two Indian States: A Study of the Gujarat and Bihar Movements* (New Delhi: Ajanta, 1977).
121. See Austin, *Working A Democratic Constitution*, pp. 293–313; Also see Jayaprakash Narayan, *Toward Total Revolution: Politics in India* (Bombay: Popular Prakashan, 1978).
122. For the JP movement and its immediate aftermath, see G. Ostergaard, *Non-Violent Revolution in India* (New Delhi: Gandhi Peace Foundation, 1985); P.C. Sahasrabuddhe and M.C. Vajpayee, *The People Versus the Emergency: A Saga of Struggle* (New Delhi: Suruchi Prakashan, 1991); *Shah Commission of Inquiry—Interim Report II* (New Delhi: Government of India, 1978); and A. Gupta, *Revolution Through Ballot* (New Delhi: Ankur, 1977).
123. *LSD*, vol. LIII, 21 July 1975–1 August 1975, no. 1, p. 26.

124. Ibid., no. 1, pp. 73–6; no. 2, pp. 33–276; no. 3, pp. 25–44.

125. Ibid., no. 5, pp. 82–171; no. 6, pp. 177–80; no. 7, pp. 26–118.

126. The 44th Amendment attempted to undo some of the most draconian measures adopted during the Emergency and tried to ensure that recourse to such measures would not be easily available, at least in a constitutional sense.

127. *LSD*, 6th Series, vol. 7, no. 8, pp. 358–70.

128. For Tarun Gogoi's interventions, see *LSD*, vol. XXII, no. 6, 26 February 1979, p. 314.

129. *LSD*, vol. XVIII, no. 21, 12 August 1979, pp. 8–53.

130. *LSD*, 6th Series, vol. VII, no. 9, pp. 275–319.

131. *LSD*, vol. XVIII, no. 30, pp. 270–83.

132. *LSD*, vol. XVIII, no. 23, pp. 229–402.

133. Earlier, the Janata Party had not vindicated itself by removing elected Congress governments in several states following its victory by invoking Article 356. The argument of the Janata Party that it carried an anti-Emergency mandate was not sensitive to the federal character of the country and visited the sins of the Emergency on the popularly elected state governments.

134. *LSD*, vol. VII, nos 1–10, 14 November 1977–18 November 1977.

135. *LSD*, vol. VIII, no. 18, 9 December 1977, pp. 305, 366–90.

136. *LSD*, vol. XXII, no. 6, 26 February 1979, pp. 78–291.

137. Dalits in Maharashtra had carried out a long agitation called Namanthar Movement to rename Marathawada University in Aurangabad as Babasaheb Ambedkar University. It is noteworthy that Ambedkar had founded several institutions of higher education in Aurangabad. The University was finally renamed as Babasaheb Ambedkar Marathawada University in 1994. The minority status of Aligarh Muslim University came to be challenged as the institution was not initially founded as a minority institution. This dispute has not been resolved as yet.

138. *LSD*, vol. XXII, no. 6, 26 February 1979, p. 302.

139. See Geetanjali Gangoli, *The Law is Trial: The Debate on the Uniform Civil Code* (Bombay: Aksara Women's Resource Centre, 1996).

140. *LSD*, vol. XVII, no. 44, pp. 290–624.

141. See R.A. Garg, *The Representation of People Act, 1951* (New Delhi: Commercial Law Publishers, 2005).

142. See, Francine Frankel, *India's Political Economy, 1947–2004* (New Delhi: Oxford University Press, 2005), pp. 584–9.

143. See Chapter 2 of this volume.

144. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses5/0116129203.htm, accessed in September 2007.

145. Ibid.

146. Ibid.

147. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses5/0617129201.htm, accessed in September 2007.

148. Ibid. We have verified this statement afresh. There does not seem to be empirical references to this statement. It could be said that the Soviet troops were not kindly disposed towards the churches in Poland. On the other hand, the Solidarity which fought a war of attrition against the Soviet-backed regime in Poland had the strong backing of the Catholic Church.

149. Ibid.

150. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses5/0617129203.htm, accessed in September 2007.

151. Ibid.

152. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses5/0617129211.htm, accessed in September 2007.

153. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses5/0721129212.htm, accessed in September 2007.

154. Ibid.

155. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses6/01150393.htm, accessed in September 2007.

156. See http://parliamentofindia.nic.in/Ls/lsdeb/ls10/ses1/0413099.html/, accessed on 5 June 2009.

157. Ibid.

158. Ibid.

159. See http://parliamentofindia.nic.in/Ls/lsdeb/ls10/ses4/0417079203.html, accessed in September 2007.

160. See http://parliamentofindia.nic.in/Ls/lsdeb/ls10/ses7/o727079301.html, accessed in September 2007.

161. For the scam, see, *J.R. Varma and S.K. Barua, The Great Indian Scam: The Story of the Missing Rs. 4000 Crore* (New Delhi: Vision Books, 1993).

162. See http://parliamentofindia.nic.in/Ls/lsdeb/ls10/ses4/1715079208.html, accessed in September 2007.

163. See http://parliamentofindia.nic.in/Ls/lsdeb/ls10/ses7/1126079301.html, accessed in September 2007.

164. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses6/0319039301.html, accessed in September 2007.

165. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses6/0319049301.html, accessed in September 2007.

166. Ibid.

167. Ibid.

168. Ibid.

169. Ibid.

170. Ibid.

171. http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses6/0319049302.html, accessed in September 2007.

172. See Table 3.8.

173. See Table 3.3, State and Representation, 1996–8, 1998–9, and 1999–2004.

174. See Rajni Kothari (ed.), *Caste in Indian Politics* (New Delhi: Orient Longman, 1986).

175. An important debate that came up is secularism and the nature of Indian nationalism. For this debate see Rajeev Bhargava (ed.), *Secularism and its Critics* (New Delhi: Oxford University Press, 1998) and Partha Chatterjee, *Nation and Its Fragments: Colonial and Post-Colonial World* (New Delhi: Oxford University Press, 1994).

176. J.A.G. Griffith and Michael Ryle, *Parliament, Functions, Practice & Procedure* (London: Sweet and Maxwell Ltd, 1989), p. 119.

177. The respondents were requested to rank their choices among a set of variables.

4 Changing Modes of Discourses

Shift from English to Regional Languages

WHAT SHOULD BE the language of the nation? Is national identity coextensive with linguistic identity? Apart from such weighty concerns as the nature of India's national identity and democracy, this issue was closely bound with representation. The Indian national movement was deeply concerned with the relation between linguistic diversity and national identity. However, these concerns did not remain politically neutral. Those who wished to project a specific language as the national language had their views on what was desirable and how such a state of affairs could be achieved. Conversely, the triumph of any specific language as the national language was perceived by some as benefiting certain segments and communities in relation to others. The Parliament in general and the Lok Sabha in particular were deeply caught in these power games and, at least in part, the contention had spilt over from the tortuous debates on this issue in the Constituent Assembly. Members of the Lok Sabha sought to know why they should be subordinated to a language other than their own for general communication in the House. Would it not breed newer forms of marginalization if they were compelled to do so? At another level, some of these concerns also pertained to the issue of the rights of linguistic minorities who unfortunately found themselves on the wrong side of the border when the states were reorganized or due to migration from one linguistic region to another.

The language issue was also linked to the communal question; even when it was not, the way language issues came to be projected in the public domain affected relations between communities, that is, social relations bound up with language. It bred and sustained specific cleavages in the relations between

communities. The Hindi–Urdu controversy highlighted this issue in an eminent way.[1]

Language is often associated with the very identity of the nation. In his writings on the national question, Stalin considered language as one of the important markers of nationality.[2] Partha Chatterjee[3] raised this issue in the debate on nationalism, stating his disagreement with Benedict Anderson.[4] For Chatterjee, language is one of the constitutive elements of the 'inner', 'spiritual' domain and forms the attribute of difference—alongside a few other markers such as literature, education, family, and women—in the imagining of national identities in the colonial world. In this sense, the national movement was not prepared to barter its language/languages for the language of the colonial masters, however superior the language of the latter may have appeared to them. But the question was—which language?

According to Austin, one of the most intractable issues that came up before the Constituent Assembly was that of national language and the appropriateness of Hindi to stand up to the test.[5] At the same time, it was widely held that if there is to be a national language of post-colonial India, it could not be English. For many, English was integral to colonialism in India. The language Sub-Committee of the Constituent Assembly had recommended that, 'Hindustani written … either in Devanagari or the Persian script shall, as the national language, be the first official language of the Union' and English was to be the second official language, 'for such period as the Union may by law determine'.[6] However, the opposition of those who supported Hindi led to the shedding of 'Hindustani' replacing it with 'Hindi' and the deletion of the reference to the 'Persian' script. On 1August and 14 September 1949, when this issue was finally debated and given the context of partition, advocates of Hindi had clearly established their edge and looked down patronizingly at the opposition. S.P. Mookerjee, sometime President of the Hindu Mahasabha and the founder of the Bharatiya Jan Sangh, even asked with an assured air, why have 'many people belonging to non-Hindi-speaking provinces become nervous about Hindi?'[7] Seth Govind Das said in the Assembly, 'Democracy can only function when majority opinion is honoured. If we differ on any issue, that can only be decided by votes. Whatever decision is arrived at by the majority must be accepted by the minority respectfully and without any bitterness'.[8] He was prepared to invoke majoritarianism very strongly against the claims of others when the issue was Hindi![9] There were, however, several members of the Constituent Assembly who were deeply uneasy with the way the language issue was resolved in the House. Krishnamurthy Rao from Mysore, for instance, thought that it would lead to the marginalization of the vernaculars and along with them entire cultures

and peoples. In fact, he argued that all the regional languages be declared national languages.[10]

THE NATIONAL MOVEMENT AND ITS LINGUISTIC DIMENSION

With India's national movement, the language issue too came to be highlighted and its linkages with the emerging nation came to be proposed from several quarters. However, the language question was too complex to be subsumed within the prevalent understanding of this relationship. The prominence that Hindi established was the result of a gradual process and it was unclear, even till the end of the nineteenth century, which direction the relationship between language and the nation would take. With the emergence of Hindi at the centre stage, however, a specific configuration of the idea of the nation came to be highlighted. The mode of constitution of Hindi as a language and the social constituency that it nurtured began to exclude Urdu and the Muslims. In northern India this process eventually led to either the marginalization of Urdu and Muslims or to the reinforcement of their identity as different from the rest.[11] Hindi was also the language strongly projected by the rising upper caste elites[12] and various institutions were formed to highlight its significance. By the 1920s Hindi had its supporters all across India and in the South it exacerbated the controversy between brahmins and non-brahmins. While an influential section of brahmins wanted to spread Hindi in the name of national unity, the non-brahmins thought that this was a way of reinforcing brahminical dominance.[13]

Leaders like Gandhi actively tended to support the cause of Hindi in the national movement. For Gandhi the significance of Hindi lay not merely in its being an Indian language vis-à-vis English, but it was also the language of the masses.[14] Gandhi, however, saw Hindi very differently from the Hindi protagonists. He equated Hindi with Urdu and thus with Hindustani and wrote to Tagore in the early phase of his political intervention in India, 'Is not Hindi (as *bhasha* or Urdu) the only possible national language…?'[15] He reiterated his concern on this issue repeatedly, 'If swarajya was not to be only for the English-educated, if it was to have any meaning for the millions who are hungry and illiterate, for women and the oppressed untouchable castes, then Hindi alone could be the national language.'[16] But when Gandhi was writing these lines, Hindi protagonists had already worked hard to make Hindi exclusive, identifying it closely with a dialect, little known earlier, called *Khari Boli,* reconstructing it heavily with Sanskrit, and distancing it from Urdu which they associated closely with Persian and Arabic.[17] Further, they equated Hindi wholly with the *nagari* script vis-à-vis Urdu written in Persian and influenced by Arabic. Rai argues, 'indeed, it may be said… that modern "Hindi" is defined by this dialectic of elective affinity (with Sanskrit) and elective

disaffinity (with Urdu). As a matter of fact, both these moves are historically and linguistically absurd and untenable. But the damage they wreck is real enough.'[18]Interestingly, all other Indian organizations deeply rooted among the poor and the marginalized, such as the Scheduled Caste Federation, or for that matter trade unions and peasant bodies, employed Hindi generally. It could not but be inclusive and allowed space for a great deal of fragmented expressions and overlapping of multiple layers of belonging and meaning.

In spite of the support that Hindi eventually commanded as a language 'primus inter pares', it is difficult to endorse the statement of Rai that, 'There was widespread support for the idea of a single national language during the freedom movement'.[19] The slogan of 'one nation, one national language and one national script',[20] reverberated primarily in the Hindi heartland. Alongside the development of Hindi, other languages too were assuming firmer institutionalized expressions. However, it has to be noted that even these expressions were deeply diverse. For instance, in Maharashtra, Phule wrote a scathing reply to Ranade when the latter invited him to participate in the conference of Marathi authors,[21] saying, 'The upper caste authors who are forever miles away from reality and who can only make ceremonial and meaningless speeches in big meetings can never understand what we the Shudras and Ati-shudras have to suffer and what calamities we have to undergo.'[22] Similarly in Tamil Nadu, the non-brahmin writers were not prepared to accept a Tamil identity highlighted in contemporary writings in Tamil by brahmins, leave alone the one crafted in the past.[23]

Even within regions, language as an institutionalized expression was the social capital of certain social strata. For instance, when the issue of organizing Karnataka as a separate state on the basis of language was raised in the Bombay Legislative Assembly, Ambedkar argued that conceding a separate Province of Karnataka would inevitably hand over power to the dominant Lingayat community who would employ the power of the state to suppress the Depressed Classes.[24]

While linguistic bonds were central to the nationalist imagination in India, such an imagination was deeply implicated in the socio-political churning that accompanied the national movement as well. It has to be remembered that in the 1920s and 1930s, the Congress had emerged as the representative body of huge masses that had brought their linguistic affinities to bear on the understanding of the nation. A similar process, a decade later, helped the Muslim League entrench itself within the Punjabi- and Bengali-speaking Muslim communities. However, this entrenchment signalled the complexity of associating languages with the national question. Certain repercussions of the same were already visible in the 1930s when a large number of Hindu Punjabis announced their mother tongue as Hindi rather than Punjabi.[25] They were trying to insure themselves against the

rise of Punjabi in the Gurumukhi script that was increasingly tilting towards the Sikhs.

The Congress accepted the principle of linguistic basis of units in India in 1920 and reorganized its party units accordingly in the following year. Bipan Chandra echoes the Congress thinking of the period: 'Democracy can become real to the common people only when politics and administration is conducted through the language they can understand.'[26] In 1928, the nine-member Nehru Committee examined this question in detail and recommended the separation of Sind from Bombay and Orissa from the adjoining areas of Bihar, Madras, and Central Provinces, changes that were effected in 1936. Arguing the case for linguistic basis of state units, the Nehru Committee report argued, 'the main consideration must necessarily be the wishes of the people and linguistic unity of the area concerned. It is well recognized that rapid progress in education as well as in general culture and in most departments of life depends on language.' This report conceded the need to take into account 'wishes of the people concerned' and 'administrative convenience' but such considerations were way below in priority.[27] The Congress raised the issue with the Simon Commission and in 1935 a demand was made for separate states, with the Congress committed to redraw the boundaries of provinces on a linguistic basis. Between 1937 and 1947, the Congress reaffirmed its faith in the linguistic principle on three occasions: the Calcutta Session, 1937, in Wardha in 1938, and in its 'election manifesto' of 1945. At the juncture of independence, however, the issues bound with the language question came to haunt the Congress.

THE LOK SABHA AND THE CHALLENGE OF LINGUISTIC DIVERSITY

Following independence, many Congressmen were apprehensive that the pursuit of the linguistic organization of states could endanger the unity of the nation.[28] However, given the widespread appeal that linguistic affinity commanded among the masses and the support towards the same among local and regional leaders, the issue could not be ignored. The Lok Sabha was drawn into the language issue very early on.

Movements for the Linguistic Organization of States

The Dar Commission was appointed by the President of the Constituent Assembly to examine the formation of linguistic states of Andhra, Karnataka, Kerala, and Maharashtra. The Commission which submitted its report in 1948 did not favour the creation of linguistic provinces and recommended that no new ones be created for the time being. Stating that, 'If India lives, all her problems will be solved; if India does not survive, nothing will be

gained by solving her linguistic provinces problem alone', it argued that in order to secure stability and integration, 'India should have a strong centre and a national language. Indian nationalism is deeply wedded to its regional languages; Indian patriotism is aggressively attached to its provincial frontiers. If India is to survive, Indian nationalism and patriotism will have to sacrifice some of its cherished sentiments in the larger interests of the country'.[29]

Following the Dar Commission Report, the Congress at its Jaipur session in December 1948 appointed a committee comprising Jawaharlal Nehru, Vallabhbhai Patel, and Pattabhi Sitaramayya to consider its stand on linguistic provinces afresh. This committee upheld the Dar Commission's stand and called for a review of the position of the Congress: 'the primary consideration must be the security, unity and economic prosperity of India and every separatist and disruptive tendency should be rigourously discouraged.'[30] The committee's report was accepted by the Congress Working Committee in April 1949 and informed its election manifesto in 1951. However, following the death of Potti Sri Ramulu, after a fast of 58 days demanding the creation of a separate Andhra state on the basis of language, Nehru was forced to concede the same in December 1952.

The institution that the Congress leadership devised to regulate and order the demand for linguistic states was the States Reorganization Commission, comprising Justice Fazal Ali, Hriday Nath Kunjru, and Kavalam Madhava Panikkar. However, the outpouring of powerful and hugely popular mass movements for the establishment of states based on linguistic affiliations limited the work of the Commission and even shook the foundations of the Congress regime in several parts of the country. By the early 1950s, demand for linguistic states had come up in a big way in several regions. In some other places the linguistic issue was closely bound up with ethnic assertions. The movement to carve out linguistic states enjoyed widespread emotive and cultural appeal among large majorities inhabiting a particular region.[31] This was not merely the situation in India but in Pakistan as well, demonstrating that the idea of nation was much more complex in such post-colonial states.[32]

The case of Maharashtra highlights the complexities involved: The Samyukta Maharashtra Parishad (SMP) led the movement for a united Maharashtra.[33] The SMP started functioning from 1946 itself and made its representation to the Dar Commission. The most contentious issue raised by the movement was the inclusion of Bombay in Maharashtra. The SRC Report submitted in 1955 rejected the demand of the SMP and instead proposed the formation of a separate state of Maharashtra sans Bombay. Widespread agitation broke out in Bombay against the recommendations of the Report. The Congress-led SMP had to eventually make way for the Samyukta Maharashtra Samiti (SMS) led by S.M. Joshi, a Socialist. Following its inauguration on 6 February 1956, it resorted to political protests and to the use of *satyagrahas*. Joshi connected

the linguistic demand to the aspirations of the workers and peasants of Maharashtra and shifted the focus from a linguistic movement to a concern for the social and economic transformation of large sections of the population in the Marathi-speaking region. The SMS also contested the elections of 1957. The verdict was a severe jolt to the Congress Party both at the centre and the state. The SMS won 11 out of the 13 Assembly seats in Bombay city. In western Maharashtra it won 113 of the Assembly seats with the Congress winning a mere 46. Of the 22 Lok Sabha seats in western Maharashtra, the Congress won merely two while the SMS won 20. Of the four Lok Sabha seats in Bombay, the SMS won two and the Congress two. A similar process of crafting of state identity around the lingua franca of the region was at work throughout the country, with its ominous electoral prospects and more so its fallout on prevailing conceptions of national unity.

The huge support that linguistic belonging mustered challenged the overt emphasis on Hindi as the national language. At the same time, Hindi enjoyed not merely demographic weight but a great degree of institutional support that came forth from the Hindi establishments that had sprouted across India.[34] The nationalist legacy too was associated with it, given the extent of endorsement it had secured from leaders such as Bankim Chandra Chatterjee, Dayanand Saraswati, Rabindranath Tagore, and Mahatma Gandhi, as the future national language of India.

The Language of the Lok Sabha in 1950s

The lingua franca of the first two Parliaments, as was the case earlier of the Constituent Assembly, was English except for an articulate group drawn from the Hindi belt determined to foist Hindi as the national language.[35] Very few spoke in Hindi and even when they did so, the issues that they raised were not given much importance as those in English. Hardly anybody spoke in regional languages and if they did, such expressions were much more a statement against the domination of English and Hindi rather than voicing of specific concerns and reflections. Hindi came to be installed as a national language in the Constituent Assembly, but what this fact connoted vis-à-vis other Indian languages was little known initially.

Linguistic identities, however, continued to persist in the first two Lok Sabhas, although the growing influence of Hindi was quite visible—several members outside the Hindi belt as far away as Mandi in Himachal Pradesh and west Kandesh in Bombay Province claimed that their mother tongue was Hindi. Muslims who were uncertain about their linguistic affiliation in the first Lok Sabha tended to identify themselves much more with the regional language, although Sikhs asserted their identity as Punjabi speakers. Pakistan had taken away Urdu not merely as a language but as a way of life.

Most members of the first Lok Sabha acknowledged their distinct language identities and hardly anyone outside the extended Hindi sphere described his mother tongue as Hindi,[36] in spite of the proclamation of Hindi as *Rajya Bhasha*.[37] None of the members of the first two Lok Sabhas stated that their mother tongue was English. It is also interesting to note that no one mentioned Urdu as their mother tongue although there were several Urdu-speaking members in the House. In fact, quite a few of them did not even mention their mother tongue. Therefore, across the names of many Muslim representatives in *Who's Who* we find their mother tongue stated as N.A.[38] What it all demonstrates is that certain language identities, generally with a populous base and literary pride, came to be highlighted and others came to be marginalized, a process that was attempted to be reversed by the assertion of relatively marginal language identities later. We already see certain language identities standing out in the enumerations of the members of the Lok Sabha such as Hindi, Bengali, Telugu, Punjabi, Malayalam, Tamil, Marathi, Kannada, Oriya, Gujarati, and Assamese. There is sometimes a feeble expression of a minor language identity such as in the case of N. Somanna (Congress, Coorg), a Kodava, but it was largely hidden in the larger Kannada identity.

The dominance of English in the first two Parliaments demonstrated an unmarked universalism and affected the role and significance of those members who were not comfortable with English. Command over English informed the role that one could and in fact did play in the House. Quite a few of the members decided to take the softer option of not intervening in the Parliamentary debates and shaping collective decisions. The quality of the debates in the 1950s at times might have been of a very high order, but it was confined to a select number of members of the House.

The marginalization of those who saw their identity in regional languages was clear in the first two Lok Sabhas. They had little capacity to make themselves at home in English, particularly in presenting and defending issues and causes dear to them. It made them not merely ineffective performers in the House but also marginalized the significance of the issues and concerns they raised, as well as of the regions and constituencies they represented. Besides, a whole range of issues which could be well expressed only in the regional context such as agriculture, concerns of the low castes, identity considerations, religious practices, tribal questions, and so on, too got sidelined.[39] It is not surprising that all these concerns did not draw mainstream attention in the first two Parliaments. After all language is 'an intimate possession, something that one possesses in the same measure that one is possessed by it. Language is bound up with the foundations of one's being, with memories and emotions, with the subtle structures of the worlds in which one lives. To be rendered vulnerable at *that* level is a heavy price to pay for an alternative linguistic and cultural identity'.[40]

Hindi was given a formal position although substantively, its importance in relation to English was relatively marginal. But the formal position accorded to Hindi led to the privileging of the constituency and the marginalization of Urdu. Urdu, which was spoken by large sections in northern India and not merely by Muslims, came to be increasingly confined to the latter and their identity was entwined with it. The marginalization of Urdu in a way led to the marginalization of Muslims as well, precisely at a period when India was declaring itself as a robust secular state.[41]

The neglect of regional languages in the House, which was a reflection of their relative insignificance at the national stage, had another major consequence. The social stratum that was versatile in English was able to foist its demands on the public domain and the demands of the masses came to be sidelined. It had grievous consequences in apportioning power and influence both within and outside Parliament. There was the rise of regional forces like the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu and Akali Dal in Punjab, and an intensification of the problems of the Northeast. Widespread agitations against Hindi spread in South India, particularly in Tamil Nadu.[42] Certain concerns like land reforms acquired little importance in the agenda of the Parliament. At the same time the dominance of the bureaucracy was reinforced as the English-speaking counterparts of colonial India. Such a development was not conducive for building political bridgeheads with the contexts and cultures of the regional languages. Such a state of affairs reinforced the centralizing tendencies within the polity with scant regard for the deep pluralism informing India. For example, educational policies came to be discussed without taking into account the regional languages in which people were located.[43]

Struggle for Language

Subtle demarcations on the language issue had already emerged in the first Lok Sabha itself, particularly with reference to Hindi as the national language. While a substantial number of members spoke in English in the first two Lok Sabhas, there was a stable core that was very loyal to Hindi. What is important for us, however, is to mark their tone and emphasis. Congratulating the newly elected Speaker, N.L. Sharma (Ram Rajya Parishad, Sikar, Rajasthan), was the first member to speak in Hindi. He said that he was speaking in Hindi deliberately because he was speaking in the Parliament of Bharat, and to enhance the Bharatiya spirit.[44] Some others such as Babu Rajendra Prasad generally spoke in Hindi. His Presidential address to the inaugural session of the first Parliament was in Hindi.[45] There were others who spoke in Hindi, not to advocate its cause but because they had no other alternative. P.N. Rajabhoj (Sholapur, Scheduled Caste [SC] reserve) spoke in Hindi on behalf of the All

India Scheduled Castes Federation.[46] P.N. Rajabhoj[47] invariably spoke in Hindi in the House, in spite of being fluent in English. He sometimes confessed that his mother tongue was Marathi and he did not know Hindi very well. In a way, Rajabhoj addressed the all-India constituency of Dalits and it could not have been done in English. He did not make Hindi his social base but knew well that Dalits could make their case only on an all-India basis, and there was no way of doing it except in and through Hindi. Seth Govind Das highlighted the event of the President taking oath of office in Hindi[48] in the first Lok Sabha, suggesting it as a precedent to others. Speaking on the Kashmir issue and on communalism, Maulana Masoudi (Nominated, Jammu and Kashmir) spoke in Urdu.[49] On the other hand, members hailing from the Northeast spoke in English. Rishang Keishing (Outer Manipur, Scheduled Tribe [ST] reserve) spoke of the problems confronting the Northeast, especially the tribals of the region.[50]

There were several hues in the support that Hindi garnered in the first two Lok Sabhas. Shivmurthy Swamy (Kushtagi)[51] retaliated in Hindi to the objections of some of the members to the President's address to the House in Hindi. He was the first Kannadiga member to use Hindi in the House, but at the same time he sought the speedy formation of linguistic states.[52]

Nehru generally spoke in English and this was strongly resented by the Hindi protagonists. We find A.R. Shastri (Congress, Azamgarh east cum Ballia west) appealing to the Prime Minister to speak in Hindi saying that it is the national language. The Speaker, however, ruled that it was up to a member to speak in the language he deemed appropriate.[53] The Prime Minister delivered his first speech in the first Lok Sabha in English.[54] The Hindi protagonists, however, were not prepared to accept the primacy of English in the House. N.L. Sharma (Ram Rajya Parishad [RRP], Sikar) asserted that he would not speak in a language other than Hindi because it was the Parliament of India. When other members provoked him to speak in Sanskrit he angrily retorted that he could speak in Sanskrit, Pustu or Gujarati.[55] There were intermediaries such as Namdhari (Congress, Fasilka-Sirsa) who made fun of the conflict over language. Bilinguals such as Sucheta Kriplani (Congress, Gonda) was the first member in the Lok Sabha who switched over from English to Hindi and vice versa with ease, highlighting in the process the complex language heritage that she belonged to.[56]

For some members, such as P.N. Rajabhoj, speaking in Hindi did not mean scoring a point against the domination of English. It was much more a substantial and inclusive claim. When he spoke on the Railway budget, Ammu Srinivas was in the chair and she requested the member to speak in English because she could not understand Hindi. Rajabhoj responded saying that he could not speak in English, even though another member pointed out that he was very proficient in English.[57] For members such as Rajabhoj, language was

closely bound up with representation. There were some members who took on a posture of partisanship rather than advocacy. Uma Nehru (Congress, Sitapur) said she could speak English but she had taken a pledge to speak only in the national language, Hindi. Often ministers were thrown in a quandary on the issue of language. When Lal Bahadur Shastri, Minister for Railways and Transport, rose to reply to the discussion on the Railway budget, there were arguments for and against his speaking in English or Hindi. Eventually he spoke in Hindi, citing the example of the President.

Caught between the English–Hindi standoff were others who did not have adequate command over either. Syed Ahmed (Hoshangabad) addressed this issue in his intervention in Hindi. Speaker Mavalankar responded saying that those members who did not know English or Hindi could speak in their mother tongue, but if it came to be the practice at large, members would not understand one another and the House could become a Tower of Babel. There were some members, however, who continued to adhere to a single language. Maulana Abdul Kalam Azad, the Minister for Education, only responded in Urdu on the debate on the demands of the education ministry.[58] C. Krishnan Nair (Congress, outer Delhi) too spoke in Hindi, the first Malayali member to speak in Hindi.[59]

Some members such as Pocker Saheb (All India Muslim League [AIML], Malappuram in 1952, and an independent member in 1957) sought English translations of proceedings in Hindi. The Speaker, however, ruled that it was not possible to give full translations of all the proceedings but it was possible to provide the summary of one or two speeches.[60] Immediately the protagonists of Hindi sought translations of the English speeches in Hindi for the benefit of members who only knew Hindi. In some instances, such as in the case of Sarangadhar Das (Dhenkanal, west Cuttack), it was a genuine request. The Speaker countered the demand saying that he might have to withdraw even the little experiment he was attempting to implement if partisan demands were essayed endlessly.[61]

In the English–Hindi stand-off, members from other linguistic regions were not silent spectators. Kandaswamy (Dravidian Federation of South India [DFSI], Tiruchengode) argued that since he did not know Hindi or English well, the Speaker should permit him to speak in Tamil. The Speaker said he could but he had to find someone translate what he said as it could not be done by the Parliament Secretariat.[62] It is also important to note that the problem was not merely between English versus Hindi on one hand, and Hindi versus the regional languages on the other. Sometimes members employed a high-brow language which other members, with reasonable familiarity with that language, could not follow. This was specifically the case with the Hindi employed in the House, particularly by its protagonists. When Lal Bahadur Shastri spoke, and Shastri generally spoke a highly sanskritized Hindi, Velayudhan (Independent,

Quilon, SC, reserve) said that he could not understand Shastri's speeches. When the Chairman said that if the Minister so desired, he could translate the speech in English, Shastri did not oblige.[63]

Sometimes languages were associated with a communal tinge. Nehru, the Prime Minister, had to dispel such impressions with regard to Kashmiri by asserting that it is the language of all the Kashmiris and was not confined to a community. Occasionally, a dialect bound with a language was strongly associated with a region, caste or community, with mockery or admiration, as the case may be, that accompanied such an association. Piarey L. Kureel (Congress, Banda cum Fatehpur, SC, reserve) said that he wanted to speak in Hindi because he belonged to the state of Uttar Pradesh. When a member interrupted Kureel saying what the latter spoke was anything but Hindi, Kureel continued to speak in *his* Hindi in the way he thought appropriate. The sarcasm in this rejoinder was quite evident: the Hindi protagonist wanted a particular kind of Hindi to be flagged off as the national language while SC representatives such as Rajabhoj and Kureel wanted to speak a form of Hindi that could easily be understood by the common people. Sometimes, members questioned the English translation of Hindi speeches. But negotiating across diverse languages in the House was not merely a matter of translation: A.K. Gopalan, a Communist member from Cannanore, confessed that he could not understand some Hindi speeches in the House although his knowledge of Hindi was reasonably good.[64]

The Hindi–English controversy led to the break-out of agitations in parts of southern India, particularly in Tamil Nadu. V. Veerswamy moved a motion for adjournment on the anti-Hindi agitation which the Speaker rejected.[65] The outbreak of the agitation dampened the enthusiasm of the Hindi protagonists. The Preventive Detention Bill proceedings which lasted for six days and covered more than 800 pages in the *Parliamentary Debates* hardly found a speaker in Hindi.[66] Similarly, on Kashmir the entire debate was conducted in English with the exception of three members who spoke in Hindi and one in Urdu.[67]

Sometimes language disputes could spill over into issues least anticipated. In the context of the Bihar and Bengal territorial dispute, Datar, Minister of State in the Ministry of Home Affairs, argued that the Kishengaria dialect of Urdu is closer to Bengali than Hindi.[68] Similarly, although the demand for a separate Telengana state voiced before the SRC was based on historical legacies, *Dakkinee* Hindi/Urdu and its impact on the region was a factor that could not be simply ignored.

A major associated concern during the 1950s was also the rights of linguistic minorities. There was always a significant linguistic minority even in states such as Kerala where the language of the vast majority of the population was Malayalam. Further, given the pace of development and the process of

migration resulting thereof, linguistic minorities were vastly expanding in different parts of India. Frank Anthony, a nominated Anglo Indian member in several Lok Sabhas, made a fervent plea for the protection of linguistic minority rights in the second Lok Sabha.[69] But the issue of linguistic minorities came up on other counts as well. With the reorganization of states based largely on linguistic affinity of the majority, substantial minorities which had lived in the same localities for ages now came to be part of states where they would be minorities. Swamy Ramananda Tirtha (Congress, Gulbarga) thought that this was inevitable and suggested that a permanent boundary commission may help resolve some of these concerns. Many others, however, felt that organizing states in India on a linguistic basis would brew permanent conflicts. Some felt that the boundary line between the states could be drawn with greater sensitivity to language affiliation. Members argued for relocating certain areas from other states into their own. M.S. Gurupadaswamy, for instance, argued that Talawadi in Coimbatore district, Madakasira in Anantpur district, and Kasargod taluk, which were predominantly Kannada-speaking, be brought within the then Mysore state.

Confronted with the potential conflict between linguistic provinces and linguistic minorities, some members suggested certain resolutions which, while being imaginative, would not have been acceptable to any of the contending parties for long. Mohan Lal Saxena sought bilingual states that brought together, for instance Bihar and West Bengal or Maharashtra and Gujarat. Others were deeply apprehensive that linguistic unification would not necessarily warrant cultural consolidation. Bogawat Uttaramchand Ramchand, (Congress, Ahmednagar) felt that linguistic states might not be an answer for the pursuit of cultural identity. He cited the cases of Marathwada and Vidarbha in Maharashtra and argued that they were different cultural regions even though they spoke the same language.

Mainstream nationalism, however, remained the overriding priority in the first two Lok Sabhas. Ashok Mehta (Bhandara) raised the issue of integrating minorities, both linguistic and religious, in mainstream nationalism. By the end of the 1950s, linguistic conflict between Hindi and English had assumed a different orientation. G.B. Pant, the Home Minister, moved the motion of an Official Language following the report of the Parliamentary Committee on Official Language. He commented that the report was framed with due regard to the interest of the people who did not speak Hindi and the Committee had made special efforts to ensure that no inconvenience would be caused to the non-Hindi speaking people. He did not think that it was possible or practical to give up English by 1965.[70] Those who were ardent about Hindi, however, continued to press its case. Seth Govind Das quoted from Macaulay's *Minutes on Education*, and argued that given its strident advocacy of English education, both Madrasa and Sanskrit education came to degenerate in its wake. He also

quoted from Mahatma Gandhi that to give millions knowledge of English is to enslave them. He argued that the foundation that Macaulay laid for Indian education had enslaved the masses.[71] There were, however, not many members, particularly from the southern states, prepared to endorse this argument. Krishna Swamy (Independent, Chingleput, now Chengalpattu) strongly favoured the continuation of English. He said that in the near future, regional languages would become the official languages in the states concerned and in the affairs of local governments. The bigger problem would be, he thought, how to ensure protection to linguistic minorities.[72] Swamy Ramananda Tirtha, while supporting the official languages motion moved by the Home Minister, also felt that freedom should be given to non-Hindi speaking people to continue to use English. He sought the simplification of Hindi and cited his own case to exemplify that non-Hindi speaking people were learning to speak Hindi although that process has to be facilitated.[73] Ajeet Singh Sarhadi (Congress, Ludhiana) recalled the controversy between Punjabi and Hindi in 1951 and warned that the fanaticism of self-styled Hindi protagonists might become counter productive.[74] He said that he had no objection to Hindi being an official language but demanded that regional languages should also have full freedom to grow.

The language controversy kept brewing throughout the duration of the second Lok Sabha and affected the working of the House. Given the intransigence on the issue, members demanded that they be allowed to express themselves in their own mother tongues. They argued that their representative status was closely bound to their belonging to distinct linguistic communities. E.V.K. Sampat (DMK, Namakkal, SC) sought to speak in his mother tongue. He argued that he was at a loss to express himself in the House; in the relative privileging of linguistic affinities, he was underprivileged. He requested Seth Govind Das to speak in English which the latter refused in no uncertain terms, as was expected. Sampat spoke of 'megalomaniacs', their arrogance, and their utter disregard for other languages and cultures of the land. He quoted from an earlier speech of T.A. Ramalingam Chettiar,[75] that the South Indians did not feel that they had something to do with the country even after independence.[76] Sampat was clearly postulating unequal citizenship taking hold in the country on the basis of the linguistic prominence assigned to Hindi.

Like Sampat, T. Nagi Reddy (Communist Party of India [CPI], Anantapur), who subsequently emerged as a major Communist leader, felt that while he was all for the spread of Hindi, the intolerance of some Hindi-speaking members towards non-Hindi languages was creating antagonism. He urged that regional languages should be given greater importance in designing education policy.[77] Clearly a case was made here to create a citizen–subject rooted in a language community of one's own but open to other enabling language domains.

Hindi advocacy as endangering national unity rather than consolidating it is a recurrent theme in the Parliament in the early 1960s. C. Nanjappa (Congress, Nilgiris) warned of the dangers of imposing Hindi on those reluctant to accept it. He felt that people of Tamil Nadu, where he came from, were ready to accept Hindi but were opposed to any imposition and time ceiling. He argued that imposition of Hindi had driven even patriots like Ramaswamy Naicker and leaders like Rajaji,[78] who established the Hindi Sabha in Madras, to desperate limits. Surendra Mahanty (All India Ganatantra Parishad [AIGP], Dhenkanal) suggested that Urdu could be accepted as national language along with Hindi and English could be considered an Indian language. He felt that over the years English had been 'Indianized' and it had assimilated many Indian words and no one country could lay claim to English as their own.[79]

But English as an alternative was not acceptable even to those who were not fanatically devoted to Hindi. Acharya Kripalani (Independent, Sitamarhi) spoke in Hindi on the motion of Official Language although he generally spoke in English. He supported and argued the case for Indian languages. He felt that allowing the continuation of the domination of English was not desirable for the country.[80] While speaking on the same issue, Prime Minister Nehru started his speech in Hindi, but when the members from the South said that they could not understand him if he spoke in Hindi, he switched over to English. He argued that it was not a question of Hindi versus English, but it was a question of 14 and more languages. Therefore, English had to remain a secondary language. New languages would emerge with science and technology and, therefore, the approach to language should be flexible. If a rigid stand was taken by any side, opposition would assert itself inevitably.[81] Nehru's position on science and technology on the one hand and language on the other was highly problematic and, given the contentions, he had few resources at hand that were helpful in resolving the conflicts on the issue.

P.N. Datar, Minister of State for Home (Congress, Belgaum), speaking on the report of the Commissioner for Linguistic Minorities, the first report of this kind, spoke of the principles that underlined the Fazal Ali Report of the State Reorganization Commission and the Report of the Commissioner for Linguistic Minorities.[82] There was extensive discussion on these Reports and there were several complaints voiced regarding imposition of regional languages on linguistic minorities.[83]

Members of the House drew attention to the tensions that the linguistic policies were leading to in many states. N.G. Goray (Praja Socialist Party [PSP], Poona) complained that Marathi-speaking people were not treated fairly in Mysore, although the Mysore government kept assuring that they were. The same allegation was made by members of the House from Mysore state that Kannada-speaking people were not treated fairly in Kerala.[84] Most of the members who spoke on the issue were already taking partisan positions

on behalf of the states they were elected from. While at the states regional languages were consolidating themselves, defence of Hindi was entrusted to the central government. Such apprehensions were expressed by members from all over the country. Frank Anthony, moving an adjournment motion on the President's direction on official language, felt that the notification containing the President's direction was fanning an anti-Hindi agitation in the South. He demanded two specific assurances from the government: no non-Hindi speaking person would have to pass a Hindi test for entry into the Union Services and English would be an associate official language.[85]

The language issue emerged prominently once again in 1963 when Lal Bahadur Shastri, the Home Minister, moved the Official Language Bill. This Bill made provision to transact official business at the level of the Union and between the Centre and states, and upheld the continued relevance of English in addition to Hindi. Some members such as Bagdi ([SOC], Issar), Rameshwaranand ([BJS], Karnal), and Brijraj Singh (BJS, Aonla) were strong proponents of Hindi and protested that this Bill was unconstitutional. There was pandemonium in the House and a few members were suspended. Frank Antony strongly objected to the techniques adopted by Hindi–Hindu protagonists like interruptions and shouting. The divisions in the Lok Sabha again were sharp. While some members wanted English to be used in the House for another 10 years, a few others wanted it to continue for an indefinite period.[86]

Behind the canopy of the Hindi–English dispute, other profound questions surfaced in the debate on language issues in the 1950s and 1960s. Those who supported the cause of Hindi as the national language advanced their rationale on grounds of anti-colonialism. They also wanted to make the state an instrument in upholding the primacy of Hindi. Their advocacy of Hindi made them decry the role that English had come to play in the Indian body politic. On the other hand, the non-Hindi speaking members, particularly from the South, contested the ways of promoting Hindi as the national language. They did not want the state to be a party in this endeavour. They were apprehensive that such a partisanship of the state may beget unequal citizenship. Further, they also felt that a one-sided emphasis on Hindi might not be fair for the distribution of resources needed to cultivate regional languages and cultures. There was also a lurking fear, partly inherited from the traditions of the non-brahminical movement, that a unilateral emphasis on Hindi might make the North Indian Hindu identity preponderant and eventually domineering over other language communities.[87] They obviously were aware that English did not enjoy such a social base and its existence as a link language did not necessarily make any one linguistic community preponderant. A very different notion of the nation was at work here rather than a nation gathered together around a common language.

The Official Language Act of 1963 accepted that Hindi would become the sole official language in 1965 with the provision that English was to be retained as an 'associate additional official language'. This Act made the provision for a Parliamentary Review Committee which would consider the situation after 10 years, with the power to recommend (or not) the further retention of English. There was also the accompanying assurance from the Prime Minister that Hindi would not be imposed on non-Hindi speaking regions. This assurance was formalized in the 1967 amendment to the Official Languages Act of 1963.

In a way, the dispute between Urdu and Hindi and the construction of an exclusive bond of the latter to Sanskrit came to affect the relation of Sanskrit towards the other regional languages. In the fourth Lok Sabha, Hanumantaiah (Congress, Bangalore) made a strong plea for the inclusion of Sanskrit in the Eighth Schedule of the Constitution. He elaborated in detail the advantages of the same, drawing parallels to Latin and Greek and the positive role they played in the public domain in the West. He said that it would be a befitting tribute to our forefathers.[88] This enthusiasm was vehemently denounced by R. Muthu Gounder (DMK, Tirupattur).[89] Gounder argued that the perpetuation of different castes and communities in India and their gradations and rankings is primarily on account of the Sanskrit language. Against such a stand Hanumantaiah argued that the Dravidian family of languages is profoundly indebted to Sanskrit and a shared bond was formed through it.[90]

While the representatives of the non-Hindi languages in the House, particularly from the South, upheld an autonomous place for their regional language, they were not adequately sensitive to the linguistic minorities within their own regions. Often these linguistic minorities had to fend for themselves. Resourceful minorities either sustained their linguistic identity by employing their own resources or promoted English. In the latter case the national identity they promoted was distanced from their cultural grooming and hung precariously to a narrow understanding of the nation. In a way Hindi was inserting itself in the national scene very differently from the way its protagonists had mounted its cause and championed its acceptance.

THE AMBIVALENT ZONE OF 1971

Socio-political spaces bound up in regional languages that were grudgingly acknowledged in the 1950s reasserted themselves in the 1970s while not necessarily advancing an alternative. The 1971 Parliament was in a way a mixed platform. Populism as manifested in slogans like *Garibi Hatao* came to be echoed in the Parliament as it was in Indian society at large. It made place for a counter-elite group, with few changes in existing social relations, who differed from those that they displaced only in certain secondary attributes

and flair. The new lot spoke English but they had little versatility in it, least of all in the culture that English represented. Many of them felt intensely for the rising tide of mass assertions but they did not really understand the complex issues that were leading to such discontent nor did they exert themselves to seek solutions to them. The rise in the popularity of certain parties such as the BJS and the Socialists during this period owed much to the prominence that they attached to the regional languages. Jayaprakash Narayan-led Movement (JPM) was not sensitive to the language concerns that were marginalized, although indirectly it became the conduit for mass protests.[91] Therefore, following the Emergency, when elections were held, the composition of the Parliament underwent a significant change with focus shifting to issues such as agriculture, backward castes, regional identities, Muslims, regional languages, and antipathy to high modernity which were not central to the JP movement. However, the movement continued to be the ideological cloak to the new ruling party in the Parliament in 1977. The Congress Parliamentarians still spoke the language that they had formulated in the early 1970s, as did the Communists, without seriously probing into the new socio-political forces that commanded public presence. It took some time for the Parliament to formulate a new idiom appropriate to the context. It is not that the sixth Lok Sabha entirely sidelined the concerns that had brought certain social forces expressed in the ruling party to the centre stage, but it handled them perfunctorily. Leaders like Charan Singh laid stress on agriculture without looking into other related issues while the DMK and Akali Dal spoke of identities without integrating them into other and larger concerns.

Struggle for Language

By the late 1960s and early 1970s, the approach to language had undergone significant changes. K. Manoharan (DMK, north Madras) raised a point of order in the fifth Lok Sabha concerning the use of the Roman script to write official Hindi titles, designations, signboards, and so on. He referred to the practice of translating and recording names of ministries or designation of ministers in Hindi written in the Roman script, under a Presidential Order; for example, 'Raksha Mantri' for Defence Minister, etc. It was written in Roman script so that members from the non-Hindi speaking areas could relate to it, but the debate in the House showed that this was far from the case. Manoharan objected to this Order saying that the Constitution specifically said that the official language of the union should be Hindi in Devanagari script. The Hindi written in Roman script and English transcriptions was a violation of constitutional prescriptions and was a mode of imposing Hindi on others. He ridiculed the move saying that 'Raksha Mantri' could easily become 'Riksha Mantri' (Cycle Rickshaw Minister) when written in Roman script. Manoharan

garnered extensive support for his stand during this discussion.[92] Confronted with such assertions, the central government responded in a queer fashion. Raj Bahadur, Minister of Parliamentary Affairs, said that a formula had been agreed upon with the opposition leader in this regard. The nomenclature of various ministries would be in English followed by their Hindi equivalent in Devanagari script; this solution applied to all the affairs falling within the jurisdiction of the Parliament. By the 1970s, Hindi, as a language regime, was clearly on the defensive.

While there was an equivocation between the nation on one hand and Hindi as the national language on the other in the House, there was much enthusiasm to speak in regional languages. It was there for everyone to see during the discussion on the Mysore State Legislature (delegation of power) Bill. One after another, members who intervened in this discussion spoke in their respective mother tongues. Manoranjan Hazara (Communist Party of India [Marxist], CPI [M], Arambargh) spoke in Bengali; Mallanna (Congress [I], Chitradurga) spoke in Kannada; Vishwanathan (DMK, Wandiwash) spoke in Tamil; and so on.[93] One of the interesting developments that we find in the early 1970s is that members who came forward to speak in their regional languages dwelt on issues that had little to do with the language controversy of the 1950s and 1960s. The discussion pertained to the concerns of members which at the same time highlighted the plural and differentiated nature of the Lok Sabha. M.K. Krishnan (CPI [M], Ponnani) spoke in Malayalam (probably the first one to do so) about the proclamation of the President's rule in Mysore and the evil of defection. He prefaced his intervention saying that he was proud to speak in his own mother tongue. He condemned defections and urged the government to formulate a legislation to prevent this evil.[94] The lead provided by Krishnan was followed by others. Dhandapani (Dharmapuram), speaking in Tamil, intervened with regard to the annual report of the University Grants Commission (UGC). He felt that the UGC followed a discriminatory policy with regard to supporting language studies; while it gave generous grants to the study of Persian and Arabic, there was not a single chair in the universities in the North to teach South Indian languages.[95]

This assertion of linguistic identity was not confined merely to members hailing from the South. S. Bhattacharya (CPI [M], Uluberia) was probably the first one to speak in Bengali and spoke of the problems and demands of the Northeast in general and West Bengal in particular. Manoranjan Hazara (CPI [M], Arambagh) speaking on the Mysore State legislature (delegation of powers) Bill said that there had been no provision for 20 years for simultaneous translation from English to Bengali. He appreciated the fact that in the fifth Lok Sabha some opposition members came forward to speak in Bengali so that their mother tongue could find an honourable place in the House. He thanked the Speaker for making arrangements for simultaneous translation

and wanted the Speaker to extend this facility to the question hour too. Speaking on the subject of the Bill he argued that states like Orissa, Gujarat, Bihar, Punjab, and Manipur were under the President's rule and the central government had displayed an overt tendency to rule the states from the centre.[96] The same point was reiterated by M. Satyanarayan Rao (Karimnagar), speaking in Telugu. What clearly was emerging was the assertion of regional identities and the central government was attempting to bottle up these tendencies through authoritarian interventions such as the invocation of Article 356 of the Constitution.

Further, momentum on regional languages in the House got reinforced in the 1970s. S.A. Muruganathan (CPI, Tirunelveli), a Tamilian interestingly speaking in Kannada, urged the government to accept and implement the Mysore Language Committee recommendation that the state be named Karnataka and Kannada be declared as its official language.[97] R.P. Dass (CPI [M], Krishnagar), speaking in Bengali, blamed the government for not wanting to break the monopoly of the English-oriented class and demanded that every research work be translated into regional languages.[98] Kumar Majhi (Congress, Keonjhar), the first Oriya-speaking member, spoke about the natural calamities that had become chronic in Orissa and urged the government to speed up relief measures.[99]

War broke out between Pakistan and India in 1971 and Emergency was proclaimed invoking Article 352.[100] However, the enthusiasm to wear regional identity was quite contagious even in troubled times. Ranendra Nath Sen (CPI, Barasat) addressed the Speaker as, 'Mr Speaker, Sir', but continued his speech in Bengali. His address in English, but speech in Bengali provoked a few members. Sen justified his borrowing from English, saying, 'Bengali is a very flexible language and we adopt all English words in it.'[101] Sen was obviously making the point that while a puritanical stance on language is not justified, the deep diversity of the Indian polity needed to be acknowledged. One person who was ecstatic in invoking his Bengali identity was Priya Ranjan Das Munshi and, interestingly, the occasion was the resolution on the continuation of President's rule in West Bengal. He said:

> I feel proud speaking in my mother tongue today. I generally speak in English. The difference in languages is not the main thing today. There has not been any conflict in Bengal over languages. The conflict has taken place in Bengal over the establishment of democracy. I hope you understood the reasons for my speaking in Bengali. The reason is that my heart is very much overwhelmed today. I wanted to speak in the same language in which Rabindranath Tagore sang *Jana Gana Mana,* the national anthem of India, and Sheikh Mujibur Rehman sang Amar Sonar Bangla, the national anthem of Bangladesh.[102]

This enthusiasm to speak in their mother tongue even when they were versatile in English and Hindi took even the Speaker by surprise. He attempted to rein

in this enthusiasm by suggesting that members who wanted to speak in a language other than English or Hindi should give their names in advance with copies of the speech to the interpreters.[103] There was a mixed reception to this suggestion.

On the language issue we find some interesting encounters in the Lok Sabha during the Janata regime, 1977–9. The Socialist Party (SOC) had generally taken a stance against English and had developed a complex ideology around the issue. Under the leadership of Ram Manohar Lohia a countrywide *Angrezi Hatao* agitation was launched in 1963. Prior to 1977, opposition leaders such as George Fernandes were always passionately committed to this issue. As Minister of Industry while moving the Khadi and Village Industries Bill, he spoke in Hindi and O.V. Alagesan (Arkonam) requested him to speak in English. Fernandes said that since he was talking about khadi it was proper that he spoke in Hindi for which Alagesan retorted, 'There is more khadi in Tamil Nadu', implying that the association of khadi and Hindi cannot be simply assumed.[104] Demand for giving greater weight to regional languages was asserted in the late 1970s when the issue of the circulation of the Hindi version of reports received by ministers was raised by Mani Ram Bagri (Bharatiya Lok Dal [BLD], Mathura). Vishwanathan (All India Anna Dravida Munnetra Kazhagam [AIADMK], Tirupattur) insisted that they should be supplied in all languages.[105] In the late 1970s, Hindi came to be targeted, particularly by the Leftists for the marginalization of Urdu. Govindan Nair (CPI, Trivandrum) speaking on the motion of thanks on the Presidential address, implored the Hindi fanatics to be a little patient. He said: 'In the name of Hindi you are murdering Urdu which is the most exquisite language in our country'. While the Janata regime had a pronounced tilt towards linguistic diversity, the Hindi domain had a stronger presence among elected members of the Janata Party to the Lok Sabha. It had its own paradoxical consequences.

THE PLURALIST SLIDE: 1996

The ruling coalition that was put together in the 1996 Parliament was an assemblage of regional voices with the crumbling fortunes of the Congress, while the BJP failed to secure power beyond a few days, in spite of making major gains. This assemblage of plural identities was manifest not merely in language but also in dress, food habits, and modes of life. For example, Deve Gowda who was chosen as the Prime Minister by the United Front coalition continued to wear his native dress, ate *ragi*, and consciously defended his mode of life. The same could be said about Mulayam Singh Yadav, Lalu Prasad, and other prominent figures in the House. Some of them like Deve Gowda even dared to speak Hindi that was far from the 'standard' version that protagonists of Hindi upheld in the 1950s. But the very confidence to

speak in Hindi denoted the confidence that regional identities had acquired in 1990s.

However, a major omission affected a ruling formation of this kind. The significance accorded to English hitherto had deprived regional languages, and the cultures they embodied, the necessary strength to negotiate their ways in a complex polity. The presence of regional groupings did not become a classic statement of the richness and cultural strength of the country but was seen as a cacophony of voices; in a way, this reinforced the appeal of English. English itself was seen by its users, at this stage, not as a statement of status but as a tool to negotiate one's way in a world brought closer by information technology and satellite communication. In fact, now segments of those voices which had clamoured for Hindi in the early part of the century were demanding English education for their progeny.

There was also a broader context in which this Parliament came to operate and this broader context was made of the globalization and liberalization drive. On the back of these policy shifts, English, largely dislocated from its cultural anchor and encompassing diverse usages and expressions, became very important. While this was the case in many parts of the world, it was more so in India where English became the great unifying bond of the burgeoning middle classes. The regional languages and their highly famished cultures could hardly stand up to the invasion of English in its second avatar. However, this did not pose a moral problem to the new peddlers of English. Many of them simultaneously laid claim to multiple and differentiated linguistic belonging. Language conflicts came to be profoundly rearticulated in the process in the 1990s.

There were attempts in the 1990s to make the question of Hindi an issue of national dignity and there were a few feeble attempts to reassert the close connection between Hindi and Indian nationalism. This reassertion, however, was made not in relation to other Indian languages or even English but against globalization and the cultural encroachment associated with it. Even such reassertions remained relatively peripheral and did not engage the Lok Sabha centrally. The issue that stirred some members was safeguarding the dignity of Hindi vis-à-vis other languages in the world particularly in international interactions. Sharad Yadav (Janata Dal [United], Madhepura) raised this issue in the 10th Lok Sabha. He said that he felt disappointed, 'when the honourable Deputy Chairman of Rajya Sabha and the honourable Speaker of Lok Sabha were participating in the inter-Parliamentary conference, the language spoken by crores of Indian people was being disgraced like anything while other languages of the world were accorded their rightful place. Throughout the conference Hindi language was nowhere in use while everything else was there'. He further argued that during a South Asian Association for Regional Cooperation conference which was attended by representatives of five to six

countries, there was no one from India to speak in the country's language. 'A handful of persons are using the English language like slaves of English ... they are insulting the Indian languages.'[106] Yadav pointed out that there was a correlation between the belittling of Hindi in the international fora and the neglect of Indian languages within the country with reference to the refusal of the Union Public Service Commission (UPSC) to hold some of its examinations in Indian languages. He pointed out that the youth who resorted to peaceful agitations demanding respect to Indian languages before the UPSC building were arrested. Sharad Yadav concluded his comments saying, 'I would like to submit to the Government that it should not insult the language which is spoken by crores of Indians'.[107] When members belonging to other political parties intervened on this issue, emphasis remained on the dignity of the Hindi language. Prem Dhumal (BJP, Hamirpur) intervening in this discussion said,

> It is highly regrettable that our people feel ashamed to speak in Hindi during the international conferences. Our national language is being subjected to disgrace. A youth had jumped into the house from the gallery during the Ninth Lok Sabha; he was also demanding that Indian languages get recognition. It is highly regrettable that in spite of repeated resolutions passed by the House that Indian languages would be accorded due and just honour they are neglected and insulted.[108]

Ram Vilas Paswan (Lok Jan Shakti Party [LJSP], Hajipur) added his voice to this discussion and one could notice a faint echo of the debate of the 1950s in his intervention: 'It is already 45 years since we got independence and we are still in a dilemma everywhere whether our independent country has a language of its own'. He argued that the Constitution of India envisaged that 'after a period of 15 years the language of the country will become the official language and the use of English language will be discontinued. A number of legislations came to be enacted for the purpose and committees constituted', but there has been not much headway on this issue.[109]

Saifuddin Chaudhury (CPI [M], Kathua) intervened in this debate to say that the prolonged *dharna* under the auspices of the All India Language Organization in front of the UPSC was for 'safeguarding the honour of Indian languages'.[110] Gumanmal Lodha (BJP, Pali) linked this issue of honour of Indian languages to the honour of the country. He bemoaned the neglect of Hindi which he thought, 'was in the centre of our whole independence movement'.[111]

Linguistic identity became quite central to the 11th Lok Sabha as an expression of plural identities and had an enormous bearing in defining the nature of Indian democracy. Alemao Churchil (Mormugao) spoke in Konkani saying, 'Mr Speaker Sir, I rise on behalf of my party, United Goa Democratic Party, to oppose the motion of confidence in the Council of Ministers and to

make first ever Konkani speech in this August House after my mother tongue is included in the schedule of the constitution'. The Speaker told Churchil that he had not given an advance notice and therefore could not arrange the translation. Churchil said that he had given notice but in spite of it no arrangements were made. At this instance, A.B. Vajpayee, the Prime Minister, quoted a saying from Tamil. N.V.N. Somu (DMK, Madras north) thanked the Prime Minister and appreciated that he was deferential to Tamil. Vajpayee responded saying, 'This is not the first time that I have quoted from Tamil. I have also read something in Tamil in my address to the United Nations'.[112] This entire episode demonstrated that the kind of acrimony in which language relations were pitched in the 1950s was displaced in the late 1990s. There were pragmatic considerations to be attended to and few members raised objection if fellow members wanted to speak in their mother-tongue. Suffice it to recall here that it was a Parliament dominated by a large number of regional groupings.

Identity concerns associated with language and rights of linguistic minorities remained important considerations before the Lok Sabha during this period. Banatwala (AIML, Ponnani), for instance, drew the attention to the denial of permission to take oath in Urdu to the newly elected members of the Uttar Pradesh Legislative Assembly.

Reassembling the Centre: 1999

It was the BJP rather than the Congress that realized the significance of the diversity of linguistic affiliations when it attempted to piece together a coalition regime in 1999. The former did not accord much prominence to Hindi after mounting the Hindutva campaign in the 1980s and particularly following the destruction of the Babri Mosque.[113] The National Democratic Alliance (NDA) that was crafted as a pre-poll alliance enrolled regional identities and made a place for the forces that became resurgent in 1996. But such a convergence took away from the regional languages a great deal that was considered significant, woven around an invocation of the past and the vibrancy and challenges of the present including the concerns of the peasantry, of the backward classes and tribes, and of minorities. Only a set of expressions that could be negotiated across and acceptable to a deeply diverse coalition network were projected to the fore. In the process, regions were emptied of much of their distinctiveness to dovetail them to the coalition bandwagon. In fact, many members who were thrown to the centre stage on grounds of regional identity, such as the members of the Telugu Desam Party (TDP), became spokespersons for an intensified drive to globalization, and the culture that this party came to represent was made easily translatable into English. Some of them like the members of the Shiv Sena (SHS) resorted to coaching lessons for effective

speaking in English. Therefore, while the 1999 Parliament seemed to represent a spectrum of pluralism in India, it was a skewed pluralism emptied of its substantial content. The approach of the NDA to globalization and liberalization was greatly enabled by this convergence.

LINGUISTIC COMPOSITION OF THE LOK SABHA, 1952–2004

The proportion of Lok Sabha members claiming Hindi as their mother tongue did not change appreciably from 1952 to 2004 (see Table 4.1). Over 40 per cent of the members over the entire period claimed that Hindi was their mother tongue. With the reorganization of the states in the 1950s, the proportion of the non-Hindi speaking members, however, underwent significant changes particularly with respect to certain languages. It is also important to note that a large number of members of the first Lok Sabha refrained from stating their mother tongue in their official declarations in this regard. The proportion of members whose mother tongue was Kannada increased from 3.6 per cent in the first Lok Sabha to 4.7 per cent in the second Lok Sabha and stabilized at that level in the subsequent Lok Sabhas. Tamil-speaking members did not witness much variance and their proportion in the Lok Sabha remained between 7 per cent and 8 per cent. The same was the case with regard to members whose mother tongue was Telugu. However, the proportion of Telugu-speaking members declined quite precipitously in 1971 and this situation continued up to 1980–4 Lok Sabha.[114] The number of Malayalam-speaking members also remained stable and varied from 3 to 4 per cent. The Bengali-speaking members witnessed an appreciable gain over time from 6.6 per cent in the first Lok Sabha to 8.1 per cent in the 13th Lok Sabha. The number of Punjabi-speaking members declined greatly from 4.7 per cent in the first Lok Sabha to 2.5 per cent from the fifth Lok Sabha onwards.[115]

The number of members who claimed Marathi as their mother tongue rapidly grew from 27 in the first Lok Sabha to 45 in the second and thereafter stabilized. The movement led by the SMS made Marathi identity central to the life of Maharashtra and particularly Bombay. However, there was not much change in the proportion of members who spoke Assamese, except in the seventh Lok Sabha, when elections could not be held in Assam due to the agitation launched by the All Assam Students Union (AASU). The Gujarati representation in the Lok Sabha registered a sharp growth in the 1970s, but thereon remained relatively stable. The same thing could be said about Oriya as well.

What is remarkable, however, is the emergence of members from communities which were relatively marginal. It could also be said that members who did not acknowledge that they belonged to a language community tended to do so in later years. None of the members claimed that his mother tongue was

Table 4.1 Mother Tongue of the Members of the House

	Lok Sabha								
	1952–7	*1957–62*	*1971–7*	*1977–9*	*1980–4*	*1996–7*	*1998–9*	*1999–2004*	*2004 onwards*
N.A.	73	23	25	21	47	29	18	19	Nil
%	13.7	4.3	4.5	4.2	8.3	5.4	3.3	3.3	Nil
Hindi	208	225	237	216	227	226	221	237	235
%	39.1	42	42.9	43	40.2	41.8	40.7	41.7	42.6
Kannada	19	25	28	27	29	25	26	28	28
%	3.6	4.7	5.1	5.4	5.1	4.6	4.8	4.9	5.1
Tamil	41	41	44	35	41	39	41	41	41
%	7.7	7.6	8	7	7.3	7.2	7.6	7.2	7.4
Telugu	41	44	35	25	35	41	42	44	42
%	7.7	8.2	6.3	5	6.2	7.6	7.7	7.2	7.6
Malayalam	16	18	19	18	20	19	21	21	21
%	3	3.4	3.4	3.6	3.5	3.5	3.9	3.7	3.8
Konkani		1	1	1	1	4	3	3	2
%		0.2	0.2	0.2	0.2	0.7	0.6	0.5	0.4
Bengali	35	38	43	39	45	42	44	46	44
%	6.6	7.1	7.8	7.8	8	7.8	8.1	8.1	8
Punjabi	25	22	14	12	13	12	13	16	14
%	4.7	4.1	2.5	2.4	2.3	2.2	2.4	2.8	2.5
Marathi	27	45	42	44	50	46	46	46	47
%	5.1	8.4	7.6	8.8	8.9	8.5	8.5	8.1	8.5
Assamese	11	13	18	14	2	12	14	15	14
%	2.1	2.4	3.3	2.8	0.4	2.2	2.6	2.6	2.5
Gujarati	18	16	23	25	27	24	26	28	26
%	3.4	3	4.2	5	4.8	4.4	4.8	4.9	4.7
Oriya	18	21	21	20	21	21	21	20	21
%	3.4	3.9	3.8	4	3.7	3.9	3.9	3.5	3.8
Kashmiri		3	2	4	6		5	3	5
%		0.6	0.4	0.8	1.1		0.9	0.5	0.9
Parsi		1							0
%		0.2							0
Tulu						1	1		0
%						0.2	0.2		0
Manipuri			1	1			1	2	2
%			0.2	0.2			0.2	0.4	0.4
Sikkimese									1
%									0.2

(*contd.*)

Table 4.1 (*contd.*)

	Lok Sabha								
	1952–7	*1957–62*	*1971–7*	*1977–9*	*1980–4*	*1996–7*	*1998–9*	*1999–2004*	*2004 onwards*
Mizo									2
%									0.4
Arunachali									2
%									0.4
Tripura									2
%									0.4
Meghalaya									2
%									0.4
Nagaland									1
%									0.2
Total	532	536	553	502	564	541	543	569	552

Source: *Who's Who of the Fourteenth Lok Sabha.*

Konkani or Kashmiri or Parsi in the 1950s. But in the 1990s there were some members who claimed to be Konkani, Kashmiri, Tulu, and Manipuri. Developments in the 1990s seemed to suggest that membership of smaller language communities did not seem to be a liability and members of the House did not rush to identify themselves with the larger regional language in which they were necessarily well-versed.

From the 1950s even up to the 1970s there were quite a few members who succeeded in getting elected from regions where their mother tongue did not prevail. Such cases became extremely rare in the 1980s and 1990s. The urban areas too were not an exception to this tendency. There was only one city in India in the 1990s which kept electing members to the Lok Sabha whose mother tongue was not the regional language or who were not natives of the place. The city was Bombay.

In the 1990s, very few members succeeded in getting elected to the Lok Sabha from regions outside their native land, or where their community did not have a significant presence, or they did not enjoy a strong language affiliation. The few surviving this identity swamp were leaders like George Fernandes and L.K. Advani or members of the Gandhi–Nehru clan such as Sonia Gandhi. Although he hailed from Karnataka, George Fernandes was first elected from Bombay in 1971; from 1977 till 2004, he won all Lok Sabha elections, except one, from Bihar. Members of the Gandhi family too have won from a base other than Uttar Pradesh. Indira Gandhi returned to the Parliament by winning the by-elections from Chickmagalur in Karnataka and Sonia Gandhi won the Lok Sabha seat from Bellary, Karnataka in the 1999 elections.

A remarkable trend can be noticed with regard to the linguistic representation in the Lok Sabha on the basis of mother tongues. No one language has succeeded in establishing its dominance over other languages and the proportional influence of every major language has largely been sustained. While such an arrangement could be argued as beneficial to only the large language communities, it need not be so, given the federal nature of the polity in India. Small linguistic groups may become successful in electing a member of their communities to the Legislative Assemblies if not to the Lok Sabha.

What is interesting to note is that over a period, the linguistic profile of India remains by and large the same. There are certain linguistic communities that came to consolidate themselves, often using state patronage. However, sometimes new linguistic identities tend to reinforce themselves by making use of the resources of popular democracy and making the state do their bidding. Languages such as Konkani or Manipuri began to make their presence felt in this way. In fact the reassertions of regional cultures could not be ignored by aspiring representatives of the House.

Transfer of the Language Issue to the States

As we have seen, a large number of members of the Lok Sabha in the 1990s were highly educated and were able to communicate in several languages. This ability rather than an ideological commitment to any language became an important consideration during this period. Several members spoke a mixed language, particularly those employing Hindi and English. The term 'Hinglish' came to be widely used in the public domain. The 'purity' and tonality of language which were upheld by members in the 1950s lost all considerations and its communicative competence became its pre-eminent virtue.

In the 1990s, facilities for simultaneous translation were widely available to members, but the number of members resorting to speak in regional languages did not go up significantly. A majority of the members even from the southern states preferred to speak in English rather than in their mother tongue. Language came to be employed much more as a tool rather than as an expression of one's belonging. This estimate of language is eminently illustrated by H.D. Deve Gowda, when he was the Prime Minister for a brief while in the 11th Lok Sabha. He publicly announced his desire to learn Hindi and even spoke in Hindi from the ramparts of the Red Fort on Independence Day in 1997, but he wrote his script in Kannada. This would have been unimaginable in the 1950s when language was taken as the marker of one's identity. Someone like Lalu Prasad represented this usage of the language in a functional sense eminently. While he always spoke in a strongly accented idiomatic Bihari Hindi (which in itself encompassed several languages such as Bhojpuri, Maithilli, and others), he mixed a large number of English words in

his speeches pronouncing them in his native accent. Such usage did not raise many eyebrows except in jest.[116]

While the language issue became a matter of functional consideration, the same could not be said about the usage of language in the regional context. In the regions, the local languages entrenched themselves and no member of the Lok Sabha could ignore this significance. A member could easily employ rustic ways of expressing himself but rusticity itself was profoundly caught in cultural ways. However, one had to know when to use the rustic tongue and when to conduct himself in a polished manner. When Rajiv Gandhi apparently used the phrase, '*teri nani ki yaad dilaa doonga*',[117] it was ridiculed as the context of use was very different. Therefore, we find the language question increasingly being pushed to the level of states and regions in the 1990s. In the regions, this issue was often presented in relation to the dangers that globalization presented to the integrity of local cultures.

The NDA regime was in power for five years from 1999 to 2004. Ideologically, it was committed to Hindi as the national language and to the upholding of indigenous cultures much more than the earlier Congress regime. However, it did little for the promotion of Hindi, although certain organizations related to the Sangh Parivar fomented trouble in some places on occasions like Valentine's Day in the name of culture.

In a way, in the 1990s English came back with a certain vengeance. There was a rush even at the state level to promote the use of English at schools. Many members of the Lok Sabha who had stakes in educational enterprises employed English as a medium of instruction in their institutions.

The usage of English registered a twofold displacement in the 1990s. There was a section of the members who spoke English fluently and were also equipped with the functional capacity to communicate in the regional languages without being deeply entrenched in regional cultures. There was a second tier of members whose relationship to the language was just the reverse of this first group. They were located much more strongly in the regional context and had a degree of familiarity with English. There were, in a way, different worlds coexisting in the same space.

Changing Nature of Linguistic Competence

Besides the two overlapping cultural universes which did not necessarily exclude each other, there were also many members who could make their way in more than two languages. Most of the members of the Lok Sabha today are multilingual unlike in 1950s. We asked the intellectuals, whom we have described in the earlier chapters, to make an assessment of the linguistic abilities of members of the Lok Sabha and how it affects their representative role (see Table 4.2).

Table 4.2 Modes of Expression in the Parliament

Q 1. There are few members of the Lok Sabha today who can effectively and fluently speak English. It has affected the quality of debate in the Lok Sabha. Do you agree?

Yes	No	No Response	N
55	64	2	121

Q 2. Although many members of the Lok Sabha today can speak in the vernaculars better, as compared to the 1950s, they seem to be intimidated by their English-speaking counterparts.

Yes	No	No Response	N
57	52	12	121

Q 3. The average member of the Lok Sabha today has higher qualifications compared to those in the 1970s and much more than those in the 1950s. Is there a correlation between educational attainments and the performance of the Lok Sabha?

Yes	No	No Response	N
31	81	9	121

Source: Questionnaire administered to public intellectuals.

A majority of our respondents do not think that there is a necessary correlation between the quality of the debate with fluency in English. But a sizable minority, however, strongly associates quality of the debate in the House with competence in English. Most of our respondents also do not think that English trumps effective communication in the House. They suggest that inability to speak good English is not a liability any longer as far as the Lok Sabha is concerned. We have seen that the relative qualification of the members of the Lok Sabha today is far better compared to those of their yesteryear counterparts. However, only a quarter of our respondents think that educational attainments are closely entwined with the performance of the Lok Sabha members. They may not be hitting the nail on the head with such an assessment, but they may not be far off the mark either.

* * *

In the Lok Sabha of the 1950s, the language divide came to be one of its marked features. The Hindi protagonists held on to the formal provisions of the Constitution and attempted to mount a state project for what they regarded as the national language. Several others, particularly those hailing from Tamil Nadu saw in this assertion the seeds of the domination of Hindi over other languages. Urdu was effectively marginalized as a national language and confined to Muslims mainly of northern India. The formation of Pakistan had placed Urdu protagonists on the defensive, with a diminished social presence to advance their distinctive version on this issue. The patronization of Urdu by Pakistan in the early years was to exacerbate such marginalization.

There were also other concerns such as the future of the linguistic minorities in a majoritarian province and the attempt to found a homogenized version of language in the name of an official language. In the 1970s, there was a breakdown in communication on this issue, the adversaries inhabiting almost different worlds. By the 1990s, the whole relationship between language and nation had undergone a profound transformation. A large number of members of the Lok Sabha, while bearing the marks of distinctive identities, also wanted to reach out to multiple identities. While demonstrating their allegiance to a particular language, they saw the linguistic issue much more in a functional sense rather than being the basis of the nation. Liberalization that began in the 1990s valorized the significance of English greatly. While an expanding market advanced the prospects of Hindi, these prospects were not necessarily tied with the expansion of nationalism through Hindi.[118] India may have to revisit the issue of linguistic affiliation and representation afresh not to give a language to Parliament but to impart greater depth and involvement in the deliberations of the House.

NOTES

1. Pandit Nehru's estimate of the problem in this regard was way off the mark: 'Scratch a separatist in language and you will inevitably find that he is a communalist and very often a political reactionary.' Jawaharlal Nehru, *The Unity of India* (London: Lindsay Drummond, 1948), p. 248.
2. See J.V. Stalin, *Marxism and the National Question* (Moscow: Foreign Languages Publishing House, 1953), pp. 300–81. He defined a nation as 'A historically evolved stable community of language, territory, economic life and psychological makeup manifested in community of culture.'
3. Partha Chatterjee, *Nation and Its Fragments: Colonial and Post-Colonial World* (New Delhi: Oxford University Press, 1994).
4. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).
5. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (New Delhi: Oxford University Press, 1966) p. 265.
6. Ibid., p. 275.
7. Ibid., p. 298.
8. Ibid., p. 302.
9. Alok Rai recounts an interesting event from the mimeographed accounts of M. Satyanarayan, one of the members of the Drafting Committee of the Constitution, whom Nehru requested to draw up a list of languages that came to be eventually included in the Eighth Schedule of the Constitution. Satyanarayan came up with a list of 12 major languages and Nehru added a 13th, Urdu. When 'a Hindi friend' asked whose language this Urdu was, Nehru replied angrily: 'This is my language, the language of my ancestors.' The friend retorted, 'Aren't you ashamed, being a Brahmin, to claim Urdu as your language?' Nehru did not reply but Urdu found a place in the Eighth Schedule, with the addition of one more language, Sanskrit (Alok Rai, *Hindi Nationalism*, New Delhi: Orient Longman, 2000, pp. 112–13).
10. See *Constituent Assembly Debates* (*CAD*), Vol. VII, pp. 382–3.

11. On this issue, see Alok Rai, 'Making a Difference: Hindi, 1880–1930', in Rajeev Bhargava, Amiya Kumar Bagchi, and R. Sudarshan (eds), *Multiculturalism, Liberalism and Democracy* (New Delhi: Oxford University Press, 1999), pp. 248–64 and *Hindi Nationalism* (New Delhi: Orient Longman, 2000).

12. See Shahid Amin, 'Representing the Musalman: Then and Now, Now and Then', in Shail Mayaram, M.S.S. Pandian, and Ajay Skaria (eds), *Muslims, Dalits, and Fabrications of History, Subaltern Studies XII* (New Delhi: Permanent Black, 2005), pp. 1–35.

13. This can be seen in the Madras Province in the anti-Hindi agitations of 1937–8. See V. Geetha and S.V. Rajadurai, *Towards a Non-Brahmin Millennium: From Iyothee Thass to Periyar* (Calcutta: Samya, 1998), pp. 489–90.

14. As early as 1917, in a letter addressed to the press, Gandhi had stressed the importance of Hindi as a 'common language for India'. 'Referring to the non-Hindi South, where this "common language" was neither spoken nor understood, he remarked that missionaries of Hindi could be sent to the South to teach the language. As for Muslims who spoke Urdu, only the written character of their language was different and it was, in other respects, like Hindi and this should therefore pose no problem'. Ibid., p. 48.

15. Sabyasachi Bhattacharya (ed.), *The Mahatma and the Poet: Letters and Debates between Gandhi and Tagore 1915–1941* (New Delhi: National Book Trust, 1997), p. 44.

16. M.K. Gandhi, *Thoughts on National Language* (Ahmedabad: Navjivan Press, 1937), p. 31.

17. Rahul Sankrityayan has argued that the kind of Hindi that came to be foisted on the public domain in India, drawn from Khari Boli, was quite vacuous. According to him, 'the word-stock evolved by "native users" has been devalued in *Khari Boli* "Hindi" because of disavowal of "locality". The deficit has been sought to be made up by recourse to Sanskrit *tatsamas*. Rahul Sankrityayana is of course concerned about the loss of the cultural heritage that is embodied in that abandoned word-stock. But he is particularly concerned to rectify the inadequacy produced by neglecting the evolved language of vernacular *doing*. He remarks the paucity of verbs and draws up a list of trades and crafts whose usages should be drawn upon to enrich this *Khari Boli* "Hindi": blacksmith, barber, carpenter, ploughman… not surprisingly, practically all these are non-savarna, the rejects of upper-caste Hindu society' (Rai, *Hindi Nationalism*, p. 81). If this explanation stands, then there was an added reason why a large number of non-Hindi language communities deeply seeped not merely in their cultural past, but a cultural past imbued with their labouring condition, came to reject the pre-eminence of Hindi.

18. Ibid., p. 78.

19. Ibid., p. 107.

20. Gaurishankar Hirachand Ojha, quoted in ibid., p. 106.

21. G.P. Deshpande writes, 'The Conference of Marathi Authors was founded in 1878. Its second plenary session was organized by Justice M.G. Ranade on 24 May 1885. Ranade wrote to Phule on 13 May requesting him to participate in the plenary session. Phule did not, but sent a reply to Ranade which was published in the 11 June issue of the journal, *Dnyanodaya*.' G.P. Deshpande (ed.), *Selected Writings of Jotirao Phule* (New Delhi: Leftword, 2002), p. 198.

22. Ibid., p. 200.

23. See Geetha and Rajadurai, *Towards a Non-Brahmin Millennium*, pp. 109–10.

24. B.R. Ambedkar, 'On Creation of Separate Karnataka Province', in Vasant Moon (ed.), *Dr Babasaheb Ambedkar: Writings and Speeches* (*BAWS*), *Vol. 2* (Bombay: Government of Maharashtra, 1998), pp. 188–96.

25. See Satya Pal Dang, 'Hindu Organizations and Punjab Politics', in Moin Shakir (ed.), *Religion, State and Politics in India* (New Delhi: Ajanta, 1989), pp. 373–83.

26. Bipan Chandra, *Nationalism and Colonialism in India* (New Delhi: Orient Longman, 1979), p. 98.

27. Government of India, *Report of the States Reorganization Commission* (*SRC*) (New Delhi, 1955), paragraph 14.

28. Nehru and other Congress leaders were staunchly opposed to any moves that would harm or threaten the unity of the country. See J. Dasgupta, *Language, Conflict and National Development* (Berkeley: University of California Press, 1970) and Y.D. Phadke, *Politics and Language* (Bombay: Himalaya Publishing House, 1979). Nehru's famous comment on the linguistic question was, 'first things come first and the first thing is the security and stability of India', in 'Indian Nationalism—Redefined', in Bipan Chandra, *Essays on Contemporary India* (New Delhi: Har-Anand Publications, 1999), p. 99.

29. B. Shiva Rao (ed.), *The Framing of India's Constitution: Select Documents, Vol. 4* (New Delhi: Universal Law Publishing, 2006), p. 132.

30. Quoted in *Report of the SRC*, paragraph 62.

31. See Dasgupta, *Language, Conflict and National Development*.

32. On the language conflict in Pakistan which eventually led to the bifurcation of Pakistan, see Tariq Rahman, *Language and Politics in Pakistan* (Karachi: Oxford University Press, 1996).

33. For details, see V.M. Sirsikar, *Pressure Politics in Maharastra* (Bombay: Himalaya Publishing House, 1999).

34. The Nagari Pracharini Sabha and Hindi Sahitya Sammelan were in the forefront in this regard.

35. For the Constituent Assembly discussion on the issue, see Austin, *The Indian Constitution*, pp. 265–307.

36. 'Moderate' support to Hindi was extended in the Constituent Assembly by some members from South India, Bombay, and Bengal. Ibid., p. 267.

37. The Constituent Assembly did not declare that there be a 'national language', but employed a tactful euphemism that Hindi should be the 'official language' of the union. Ibid., p. 266.

38. Not Available.

39. In a way, all these issues came up prominently in the public domain in India during this period, and often found their echo in the Parliament as well. But they were quickly put aside as not being of adequate significance for one reason or the other. In the Second Plan period, priority was shifted from agriculture to industry. The recommendations of the First Backward Class Commission were not palatable to the government and eventually the Chairman of the Commission dissociated himself from them. See Marc Galanter, *Competing Equalities: Law and Backward Classes in India* (New Delhi: Oxford University Press, 1984), pp. 167–79. The tribal question came to be handled increasingly as an administrative and law and order issue rather than as a political question. See Sajal Nag, *Roots of Ethnic Conflict: Nationality Question in Northeast India* (New Delhi: Manohar, 1990); Subir Bhaumik, *Insurgent Crossfire: Northeast India* (New Delhi: Lancers, 1995); B.G. Verghese, *India's Northeast Resurgent: Ethnicity, Insurgency, Governance, Development* (New Delhi: Konark, 1996); Amit Prakash, *Jharkhand: Politics of Development and Identity* (New Delhi: Orient Longman, 2001); and Stuart Corbridge, Sarah Jewitt, and Sanjay Kumar, *Jharkhand: Environment, Development, Ethnicity* (New Delhi: Oxford University Press, 2004).

40. Rai, *Hindi Nationalism*, pp. 102–3.

41. Ibid.

42. The issue came to be posited as Hindi versus English rather than Indian languages versus English.

43. See *Report of University Education Commission 1948–49* (Radhakrishnan Commission Report) (Delhi: Government of India, 1950).
44. *Parliamentary Debates* (*PD*), vol. I, part II, p. 40.
45. Ibid., pp. 45–58.
46. Ibid., p. 41. The SC Federation was formed by Dr Ambedkar in 1942 and was led by him till his death in 1956. Just before his death, he suggested the formation of the Republican Party of India which came into being in 1957.
47. P.N. Rajabhoj was a close associate of B.R. Ambedkar for over 20 years.
48. *PD*, vol. I, part II, pp. 184–91.
49. Ibid., pp. 267–78.
50. Ibid., pp. 283–8.
51. At present the constituency falls in Karnataka and has been renamed as Koppal.
52. *PD*, vol. I, part II, pp. 297–301.
53. Ibid., p. 376.
54. Ibid., pp. 376–92.
55. Ibid., pp. 440–7.
56. Ibid., pp. 480–7.
57. Ibid., pp. 273–4.
58. In the Constituent Assembly, Azad had reminded the Hindi fanatics that irrespective of their success in positioning a Hindi of a particular hue, it was still open to the people of the country 'not to allow the shape of Hindi to be deformed'. *Constituent Assembly Debates* (*CAD*), Vol. IX, p. 1349.
59. Ibid., pp. 2079–88.
60. Ibid., pp. 2237–8.
61. Ibid., pp. 2238–9.
62. Ibid., pp. 2240–1.
63. Ibid., p. 2413.
64. Ibid., p. 2895.
65. *PD*, vol. IV, part II, 30 July 1952–12 August 1952.
66. Ibid., pp. 4947–5774.
67. Ibid., pp. 5775–6178.
68. *Lok Sabha Debates* (*LSD*), vol. VI, part II, 1956, pp. 829–30.
69. Ibid., p. 1036.
70. *LSD*, vol. XXXIV, 31 August–12 September 1959, pp. 5897–913.
71. Ibid., pp. 5933–49.
72. Ibid., pp. 5950–7.
73. Ibid., pp. 5964–70.
74. The kind of 'Hindi' the Hindi protagonists deployed could scarcely be understood by several members of the Lok Sabha. Alok Rai says 'Sanskritised "Hindi", produced … in the exigencies of a regional politics, was now available—purified of locality, historical adulteration, regional colour—as a vehicle of "national" aspiration for a regional upper-caste elite. That Hindi which was merely local, marked by the specific usages of specific people, was unsuitable—precisely because it belonged to a people, it could not pretend to belong to all, *or almost all*, the people. On the other hand, this artificially Sanskritised "Hindi" could lay claim to the real (but also mythical) excellences of ancient Indian culture, and could plausibly be considered "national". Unfortunately it was also and inescapably, bound up with the culturally exclusive, socially divisive and ultimately upper-caste and anti-democratic politics which had produced it' (Rai, *Hindi Nationalism*, p. 109).
75. T.A. Ramalingam Chettiar was a member of the Constituent Assembly and was elected to the first Parliament from Coimbatore. He died in 1952.

76. *LSD*, vol. XXXIV, pp. 5985–93.
77. Ibid., pp. 6238–44.
78. C. Rajagopalachari, by far the most important leader of the Congress in Madras Province at the time of independence and the first Indian Governor General of India.
79. *LSD*, vol. XXXIV, pp. 6155–66. In fact, some of Mahanty's formulations suggest a contemporary eulogizing of English.
80. Ibid., pp. 6230–8.
81. Ibid., pp. 6433–48.
82. The latter was established to safeguard people whose mother tongue was different from the official languages of states on the basis of Article 350A and 350B of the Constitution.
83. *LSD*, vol. XXXIV, pp. 6981–3.
84. Ibid., pp. 7254–7.
85. *LSD*, vol. XLIV, 1–12 August 1960, pp. 134–7.
86. *LSD*, vol. XVII, 13–18 April 1963, pp. 9461–71.
87. See Geetha and Rajadurai, *Towards a Non-Brahmin Millennium*.
88. *LSD*, vol. XVII, 13–18 April 1963, p. 3523.
89. Ibid., p. 3526.
90. While Muthu Gounder and Hanumantaiah shared the common legacies of the non-brahmin movement, their stances reflected the differing discourses on language that were shaping up in the public domains of the Madras and Mysore states respectively.
91. See Bimal Prasad, *Jayaprakash Narayan, Quest and Legacy* (New Delhi: Vikas, 2003).
92. *LSD*, vol. II, 24 May–4 June 1971, pp. 9–19.
93. *LSD*, vol. IV, no. 22, 21 June–22 July 1971, pp. 229–52.
94. *LSD*, vol. II, no. 1, 24 May–4 June 1971, pp. 99–201.
95. In 1956, the Central Advisory Board of Education considered at length the problem of teaching languages in the context of the language contentions of the country and proposed the famous 'Three-Language Formula'. It required people in the Hindi regions to learn another Indian language while the non-Hindi users had to learn Hindi. The third language was supposed to be 'a modern European language', largely meant to accommodate English. It aimed to bring about an emotional integration of the country while at the same time acknowledging the linguistically differentiated nature of Indian nationalism. The proposal was approved by the conference of Chief Ministers in 1961. This proposal, however, never seriously took off. Hindi instruction in non-Hindi states remained neglected except in states such as Maharashtra and Gujarat; in the Hindi belt, this requirement was sought to be complied by 'substituting Sanskrit, or Urdu, or indeed, other Hindi variants or dialects'. For details see Paul Brass, *Language, Religion and Politics in North India* (Cambridge: Cambridge University Press, 1974).
96. *LSD*, vol. IV, no. 22, 21 June–2 July 1971, pp. 230–1.
97. Karnataka, formerly known as Mysore State, was so named in 1972.
98. *LSD*, vol. VIII, no. 5, 15–26 November 1971, pp. 251–7.
99. Ibid., pp. 306–8.
100. Hostilities between India and Pakistan commenced officially on the evening of 3 December 1971 and ended on 16 December with the surrender of the Pakistani military.
101. *LSD*, vol. IX, no. 17, 29 November–9 December 1971, pp. 5–10.
102. Ibid., pp. 5–10.
103. The scheme of simultaneous translation into two languages, Hindi and English, was initiated in 1963.

104. *LSD*, vol. XV, no. 54, May 1978, pp. 335–402.

105. *LSD*, vol. XXII, no. 3, 19 February 1979, pp. 218–29.

106. http://parliamentofindia.nic.in/Ls/Lsdeb/Ls10/ses6/0319049303.htm, accessed on 7 September 2007.

107. This refers to the prolonged agitation before the Union Public Service Commission (UPSC) by a group demanding conduct of competitive examinations for various services in Hindi and other Indian languages.

108. Ibid.

109. Ibid.

110. Ibid.

111. Ibid.

112. Ibid.

113. The distancing of BJP from Hindi is evident if we compare two popular texts written on the politics of the BJP within an interval of just 10 years. B. Graham worked on *Hindu Nationalism and Indian Politics: The Origins and Development of the Bharatiya Jan Sangh* (Cambridge: Cambridge University Press, 1990) in the 1970s and saw the Bharatiya Jan Sangh tightly wrapped in a Hindi and North Indian identity. Working on the same theme in the early 1990s, Christophe Jaffrelot in *The Hindu Nationalist Movement and Indian Politics 1925 to the 1990s* (New Delhi: Penguin, 1999), traces the linkages of the BJP with Hindi only in the 1960s and has little to say about its association with language concerns during the period of its hegemonic rise in the 1980s.

114. It is important to put forth specific reasons for the sudden decline of Telugu-speaking members in the Lok Sabha and establish, if need be, the relationship of the same to the rise of Telugu Desam Party that made a strident beginning in early 1980s, appealing to 'Telugu pride'. There is little literature explaining the reasons for the precipitous decline of Telugu-speaking members in the Lok Sabha in 1970s.

115. It is very important to find out why the proportion of Punjabi-speaking Lok Sabha members registered a major decline. The possible reasons are (*a*) the division of the Patiala and East Punjab States Union into three distinct states, Punjab, Haryana, and Himachal Pradesh, the members from the latter two claiming that their mother tongue is Hindi; (*b*) the decline in the number of representatives from Delhi from among the refugees who were Punjabi speaking; and (*c*) the natural growth of Hindi, wherein Punjabi speakers switched over to Hindi and those who spoke Hindi had an advantage with regard to Punjabi.

116. There is enough in our argument to suggest why someone like Lalu Prasad resorts to speaking in English rather than the strongly embedded Hindi that he employed for long. The strong markers that his speech carries, he probably thinks, denies him reach to the rest of the country and probably the world.

117. 'To teach a lesson that would not be easily forgotten'.

118. The recent revolution in communication technology has helped Hindi break from its cloistered confines and relate itself to the larger world. The media has been responsible in making Hindi free from the constraints of the state-imposed, Sanskritized, and highly synthetic Hindi. This is what some people call a 'cultural pollution', although sometimes state institutions have bent over backwards to protect its sanctity. There has been a development of a hybrid called 'Hinglish', Hindi with a liberal mix of English. While the earlier Hindi attempted to distance itself from Urdu and Persian and contributed to Hindi–Hindu and Hindustani, Hindi has become, according to Sudish Pachauri, 'promiscuous' flaunting its relationship with its old flame Urdu and new relationship with English. See Sudish Pachauri and Achala Sharma, *Naye Jan Sanchar Madhyam Aur Hindi* (New Delhi: Rajkamal, 2002).

5 From National Identity to Plural Identities

THE PARLIAMENT IN general and the Lok Sabha in particular is the quintessential representation of Indian democracy. A major challenge the Parliament faces is balancing shared concerns of the polity as a whole while respecting diversity and pluralism at the same time. How has the Lok Sabha confronted this issue and what have been the changes over time in its responses as an institution? Does it perceive the fact of diversity as a threat to national unity? Identities in India encompass a much larger spectrum than mere affinity and belonging to a language community. The dialectics between common shared ground and difference present in Indian polity is the central consideration of this chapter. Many of the elements informing this difference have undergone social mutations and have reconstituted themselves afresh. In this context it is noteworthy to invoke a highly perceptive observation of Kaviraj:

> ...the stabler politics of the West makes it reasonable to ask the question: why do people act in politics the way they do? A more significant question in India and the Third World seems to be to ask why people choose to be who they are? Why did people in Telengana believe they were primarily poor peasants in the late fifties, and primarily residents of Telengana twenty years later? Why did considerable sections of the Bihar peasantry see themselves as primarily peasants, and thirty years later primarily as people belonging to their respective castes?[1]

Public institutions and norms of governmentality have often invoked rights considerations to trump identity assertions in India. As we have suggested, identity considerations have always been an important input in Indian politics, even in the 1950s, although its relative value in relation to other considerations underwent significant changes over time. While the reasons for such convulsions are beyond the scope of this inquiry, the reflections of this shift on the Lok Sabha are of central concern here. We have looked at three sources to explore this theme: the Lok Sabha manuals and periodic publications; the debates in the Lok Sabha on issues of unity and diversity; and relevant

electoral data in this regard. Election studies have gained growing interest in recent years in India and they have helped in formulating some of the issues in this chapter.

There is no lack of critics who have come to decry the assertion of diversity and plurality in India. Arun Shourie draws a sharp divide between the nation and diversity of representation in India: 'So splintered is the electorate by now that there is hardly a "national issue" on which it is exercised'. According to him, if a party 'concentrated on a few local issues, if it focused its resources on sowing hatred and fear in 15 per cent of the electorate in a particular part of the country, it would be certain to get its candidates into Parliament'.[2] He sees 'the Samajwadi party, the Shiv Sena, the Dravida Munnettra Kazhagam (ĐMK) and All India Anna Dravida Munnettra Kazhagam (AIADMK), the Akalis, the Bahujan Samaj Party (BSP), the Communists themselves' as expressions of such fragmentation.[3] In his assessment, such fragmentation could make the representative character of the ruling party confined to a small minority. There is a possibility of a party securing the highest percentage of votes remaining in the opposition and there is often little correspondence between percentage of votes secured and seats won. In other words, the bond between electoral endorsement and power has been snapped and popular sovereignty remains a myth. His deeply pessimistic and satirical forecast of the electoral prospects in India lampoon contemporary Indian politicians as follows: 'These features—the electorate splintered; the splinters frozen; small swings in votes having such pronounced consequences for the share in seats—lead the politician to the same operational lessons. Somehow exacerbate divisions; somehow swing a small fraction of the electorate; somehow stitch up the small groups and sections. Performance? "Arithmetic is the answer to performance".'[4] Such a scenario is far from the working of the electoral system in India. However, by focusing on certain expressions of electoral representation of diversity in India and setting it against a homogenous and formal conception of the nation, Shourie wants to pass a highly condescending judgement on the working of an increasingly diversity-sensitive democracy in India.

IDENTITY MARKERS AND THE LOK SABHA

The national movement in India strongly decried assertions of plural identities and saw them as divisive. Diversity, even when it was acknowledged, was seen un-problematically with national identity as shared fellow feeling. The movement was suspicious of the non-brahmin and self-respect movements in the South, often viewing them as adversarial.[5] Dalit assertions under the leadership of Ambedkar,[6] and the Sikh attempt to carve out a distinct political identity for themselves[7] were also viewed as harbouring potential divisive tendencies in relation to national unity. The demand for Pakistan by the

Muslim League (MUL) exacerbated this anxiety further. It is quite well known that several provisions of the Indian Constitution were profoundly shaped by this anxiety to keep national unity upfront. Following independence, numerous measures pursued by the Indian state such as those with respect to Jammu and Kashmir, the Northeast, and Hyderabad were a demonstration of this anxiety. Often, strong-arm tactics came to be employed to browbeat assertions of difference.

While there was an overwhelming emphasis on unity in the initial attempts to gather the nation together, India's diversity and the autonomous expression of some of its facets were to become integral to the public domain in India. There is therefore certain ambivalence in this regard right from the beginning, although the Constitution itself can be read as recognizing all forms of diversity.[8] However, the dominant political culture, traumatized by the experience of partition, came to privilege national unity to diversity, and some of the principles that went into the making of the national polity were heavily read through the perspectives of unity rather than difference.

Lok Sabha in the 1950s

The first two Lok Sabhas privileged national unity over plural expressions. One can read many of the Acts passed by the early Parliaments as resisting any concession to diversity and privileging national unity. Parliament also extended unqualified support to the establishment of numerous institutions of a national kind, such as the Sahitya Academy, National Archives, and National Museums, whose avowed purpose was to shore up national unity.[9] The Planning Commission which came to be established through a Cabinet resolution, and even without a Parliamentary nod, did not encounter serious objection in the Parliament.[10] Similarly, for the establishment of such institutions as the Indian Institutes of Technology and major public sector undertakings, there was a broad-based support from the Parliament. The All India Services, much reviled under the colonial dispensation,[11] came to be reincarnated in the form of the Indian Administrative Services and other services without much opposition.

Many of the Acts of Parliament unequivocally tended to assert this national unity. For instance, the Citizenship Act of 1955 was meant to foster a strong sense of national unity without conceding ground to diversity.[12] This tendency was also manifest in the policy measures it approved with respect to Jammu and Kashmir. The opposition and resistance offered by parties like the Bharatiya Jan Sangh with regard to Jammu and Kashmir was not meant to foster diversity, but to further national integration with greater vigour.[13] However, deploying the armed forces in the Northeast in 1956 did not register much of an opposition in the Parliament.[14] The election manifesto of the DMK said in 1957, 'Each state should be given full and equal representation in

Parliament so that the large states do not dominate the others'.[15] K. Kamaraj, the then Chief Minister of Tamil Nadu, condemned the manifesto saying that it was 'an affront to the unity and the solidarity of the country.'[16] Article 356 of the Indian Constitution came to be invoked from early on in Patiala and East Punjab States Union (PEPSU)[17] and there were only stray dissenting voices against this measure like that of Ambedkar who saw it as undercutting Indian federalism at its very roots.[18]

The first Lok Sabha acknowledged a very limited diversity woven around certain categories that were quite established by then, and which the nation through its historicized imagination claimed as constitutive of itself. Apart from a few dominant linguistic groups,[19] it encompassed religious identities that were claimed by/attributed to members—Muslim, Hindu, Sikh, Christian, Parsi or Jain; no members claimed to be Buddhists. There were a few whose religious identity was either not announced or acknowledged, and sometimes expressed in fuzzy terms. The reason for the silence did not seem to be due to any atheistic position. Even if we concede this attribute to the Communists, only Biren Dutt, one of the members who were silent on this issue, was elected from the Communist Party of India (CPI). A vast majority of the members who did not announce their religious identity belonged to the Indian National Congress (INC). Several of them belonged to either small sects or Scheduled Castes (SCs) and Scheduled Tribes (STs) communities; they felt their identities were deeply context-bound and not measurable on a 'category scale'.[20]

Irrespective of the community that members in the first two Lok Sabhas hailed from, most of them shared a world in common—there was no correlation between community, linguistic identity, and professional callings. Mulla Taherali Mulla Abdullabhai (INC, Chanda) was a Muslim and also a businessman. Abdus Sattar (INC, Kalna-Katwa) was a freedom fighter as well as an advocate. Joachim Alva (INC, Karwar) was a Christian, a freedom fighter, and an advocate. S.C. Balakrishnan (INC, Erode) was an SC but claimed to be a landlord. The diversity that members represented was on a modest scale yet it encompassed communities, castes, occupations, and linguistic and regional belonging and gave expression to the core beliefs of the national movement, constitutional provisions, and the spirit of inclusion manifest in the early years of independence. This diversity, however, was bound to numerous shared assumptions, hopes, and aspirations, some explicit but many un-stated. In this context, pluralism was bent over backwards to endorse, or rather overstate, unity.

The Ambiguous Zone of the 1970s

In the 1970s there was a contradictory process at play with regard to national belonging and infra-national identities. While the Parliament attempted to

encourage national unity in the changed circumstances by expanding state reach, there emerged powerful voices favouring recognition to plural identities. This is the feature of the Parliament both in 1971 and 1977, although the relationship between national unity and plural identities came to be reversed during this period. In the earlier half of the decade the plea for unity did not wish to reckon pluralism and resorted to populism instead. A formal all-India identity came to be assiduously asserted to contain regional assertions.[21] This populist stance deployed a language of homogeneity and saw common concerns writ large across India. '*Garibi hatao*' (remove poverty) was one of them. The federal spirit came to be decried and Article 356 was invoked far too frequently. There was a section of the middle class clamouring for a strong centre and was deeply fearful of mounting chaos although there was a groundswell favouring wider distribution of power.[22]

The oppositional space within the Parliament was not adequate to accommodate emerging assertions of marginalized plural identities, as well as those construed afresh vis-à-vis the overriding tendency of centralization. The Communist parties tilted towards the assertion of national unity rather than conceding to plural identities, although they felt that greater devolution of power was desirable within the framework of federalism. Vibrant demands for recognition of regional identities were made during this period by the DMK[23] in Tamil Nadu and the Akali Dal in Punjab. The Anandpur Sahib resolution endorsed by the Akali Dal can be taken as one such expression.[24] Strident demands for autonomy, statehood, and even secession intensified in the Northeast region. While the Parliament supported the use of force to maintain national unity, it simultaneously conceded to plural identities by carving out states to several identity-based assertions.

In many ways, the later part of the decade saw the reversal of this process, although tendencies such as the invocation of Article 356 to dissolve elected state assemblies demonstrated the continued hold of the past in engaging with new political realities. Regions, castes and communities, regional languages, workers and peasants, and even religious identities made a plea for recognition in the House during this short interregnum. There was a questioning of the diehard faith manifest in modernity and 'scientific spirit'. Much of the sacrosanct canon, which included economic planning, was questioned. Leaders of the past, such as Mahatma Gandhi, were referred to anew and used as symbols of the policies and programmes of the new regime. This helped in imparting some level of respectability to these initiatives. It held out the promise of a relaxed polity in place of the menu that the nation had been fed on for years: 'conspiracy theories', 'plots and murders', 'nationalisation and state control', 'strikes and agitations', and nefarious policies of social engineering. The promise was not kept to any appreciable extent and the regime did not rise above the feuding ways to which its constituent elements were accustomed.

Assertions of Pluralism and Diversity: The 1990s

Identities emerged in celebratory gusto in the 1990s. Large masses presented themselves before the polity through their respective identity markers rather than as unmarked and equal citizenry. While these identities had made their presence felt in the 1950s and 1970s, they had been swamped by other considerations. In the 1990s they compelled the polity to reckon their presence. There were many in the Lok Sabha who were self-consciously Hindu, women or belonging to backward castes, very different from the way members presented themselves in the 1950s. At the same time there was an increased presence of traders, businessmen, and industrialists in the Lok Sabha; they formed 8 per cent of the membership in 1991, 8 per cent in 1996, and 4 per cent in 1998. But one set of social categories was not displacing the others. While in the eighth and 10th Lok Sabhas there was a decline of members who claimed to be agriculturalists, the picture changed in the 11th and 12th Lok Sabhas. They constituted 37.3 per cent of the total membership in the eighth Lok Sabha, 43 per cent in the ninth, and 32 per cent in the 10th. But they formed 38 and 49 per cent of the 11th and 12th Lok Sabhas respectively.[25] Many members of the Lok Sabha now had several occupations and played multiple roles in civil society fora.

During this phase of Indian democracy, large masses who had hitherto been excluded from political representation were brought within its fold increasingly acknowledging their social ties. This shift has been termed by Yogendra Yadav as the 'second democratic upsurge'.[26] According to him, 'The post-Congress polity was marked by a participatory upsurge of the lower classes and lower castes.'[27] The extent and intensity of electoral participation by the Other Backward Classes (OBCs), Dalits, women, and Adivasis increased significantly during this phase. Yadav thinks that the shift to 'mandir, mandal and market', in spite of being viewed as 'a sign of ideological impurity and decline by all established ideologies', opened the possibility of 'shaping high politics according to peoples' need'.[28] While much of this observation is correct, such a shift had already begun to take shape from the 1970s itself. Besides, the strong valuation terms employed to denote the shift may not indicate the process of reconstitution of the polity in general and the Parliament in particular that was underway during this phase.

The period witnessed the formation of very unstable and unsteady coalitions both within the Lok Sabha and outside it. The rural elite and rich peasantry belonging to intermediary castes entered into alliances with the better off strata of the lower castes and Dalits. A section of the urban middle class came to be drawn into such an alliance. New political parties arose such as the BSP and Samajwadi Party (SP) who focused their attention on backward castes, SCs, and STs. In the process, they attempted to enlist the support of minorities such

as the Muslims.[29] The ninth Lok Sabha inaugurated these new platforms. As these new strata made their presence felt, there was little unanimity regarding the codes of their inclusion. It led to intense conflict within the Parliament and outside. The time it spent on legislation was far less compared to the earlier Parliaments; much of it was spent on questions, motions, resolutions, and raising matters of public importance. The ninth Lok Sabha spent only 16 per cent of its time on discussions of legislative enactments while 27 per cent was spent discussing other matters. The corresponding figures for the eighth Lok Sabha were 25 per cent and 26 per cent respectively. The groups which were making their presence felt were demanding greater responsiveness and presence than merely enactment of legislation, which generally tends to sustain existing modes of dominance. At the same time, new and complex institutional arrangements, from parliamentary committees to alternative federal arrangements, were forged to bind this outburst of pluralism into an orderly transition. While the Parliament initiated a number of such moves, its options were also constrained by new institutional and political initiatives formulated beyond its immediate setting.

Ethnic Pluralisms and Community Representation

One of the growing concerns in India in recent years has been minority representation and the arguments of the politics of presence have brought this issue to the centre stage. Various communities[30] emerged in the 1990s and this form of political expression has captured the imagination of those in the lower rungs in a social order which continues to be highly stratified. There are many options to group and regroup electoral blocs at the constituency and local levels which might be at variance with the statistically computed overall trends. Formation of electoral blocs involves not merely appeal to social structures and social relations but also interest, presence, and memory. Even an astute politician can go wrong at the local level given the variables at play and potential alternative imaginings of communities. It does not mean campaigns, display of power and connections, prospects of victory at the hustings for the concerned party, and so on, are superfluous. They are important but mediated through local structures, beliefs, and values.

The need to garner as many votes as possible at the level of a constituency makes the opposition parties eager to close their ranks to the extent possible. It has favoured a bi-party system in most of the states, although these bi-polarities are ethnically and religiously varied and not the same across the country. There has been a pronounced tilt in regions towards a particular party/alliance rather than another in the process of such consolidation. There is also dissolution of alliances and even break up of parties at the constituency level in view of electoral prospects, sometimes reinforcing bipolarity and at

other times threatening it. Such a consolidation for the Lok Sabha elections, particularly from 1989, has been one of the major reasons for hung Parliaments. In a simple majority first past the post system (FPPS), a socio-political majority may feel frustrated that it has been ineffective and a party has secured an absolute majority without its support. If a majority is so excluded concurrently with ethnic cleavage, then there is the likelihood of a backlash. There have also been similar reactions from dominant religious and caste groups in the event of their exclusion. But generally frustration is greater among religious and other minorities whose loss elsewhere is brought to bear on specific constituency-wise losses. This later outcome has been the case with Muslims. In constituencies with a pronounced Muslim presence, plural party competition has tended to fragment their votes and in the other constituencies, if there is no converging political alliance, their votes have become prey to political ad-hocism.

In the 1990s the Bharatiya Janata Party (BJP) succeeded in evolving a new bloc of the upper castes and classes.[31] The Congress, however, continued to retain significant levels of support among marginal communities such as the Dalits, Adivasis, and Muslims.[32] Given the regionalization of the electoral blocs, however, the Congress came to be 'restricted to picking up the remainder of vote of those communities that were not courted and captured by other parties'.[33] To be viable, the Congress required a re-imagination of the electoral bloc in each region and constituency.

It is important to note that Christians and Sikhs, other than Muslims, had a fair share of representation in the Lok Sabha although this share has been waxing and waning over the years.

We have already considered the rise of the OBCs and the radical turn that electoral democracy took in its wake. In the 1990s, there are three other crucial developments with regard to community politics. The first is the rise of the BSP which became a major contender for power in northern India, particularly in the most populous state of the country, Uttar Pradesh. While the number of members the BSP secured in the Lok Sabha were never crucial to tilt the balance one way or another, its interventions played a major role in the formation of the coalitions in the 1990s.[34] The kind of politics that the BSP resorted to was significantly different from the ideologically valorized Dalit politics of Dr Ambedkar on the eve of and immediately following independence. The former's stance made its primary objective the capture of political power to bring about a radical social transformation. Kanshi Ram, the founder–ideologue and leader of the party, termed political power '*guru killi*'.[35] Further conceiving political power in narrow terms, it unduly focused its attention on controlling and dominating legislative, executive, and bureaucratic organs, rather than the empowerment of the masses or significant alteration of social relations. Therefore, it was prepared to enter into alliances

with any political party or alliance which could offer it the best terms in reaching out to such power. This quest became one of the most unpredictable factors in the deeply plural political scenario of the 1990s and the political behaviour of its members in the Lok Sabha was wholly in tune with such an approach. The second type of community assertions came from mainland Adivasi communities. These assertions were very different from those of the Northeast, which intermittently resorted to armed struggle laced with negotiations for peace. While the mainland Adivasi belt did not lack political formations appealing to armed struggle, such as the ubiquitous Naxalite outfits, they primarily took recourse to mass mobilization largely conducted by ethnic parties or parties with strong ethnic moorings. This was the case with the Jharkhand as well as the Chhattisgarh movements which eventually culminated in the granting of statehood to these regions. The third community assertion which began to unfold in a big way, but whose direction is still uncertain, is that of Muslims. Several developments in the 1980s and 1990s attempted to thrust a community identity on Muslims, otherwise deeply differentiated in India. The most significant among them were the *Shah Bano* case and developments in its aftermath, such as the Babri Mosque demolition, the communal riots that resulted in its wake, and the bomb blasts in different parts of India which often, at the level of widely shared communal sensitivities, pointed the accusing finger at Muslims. The continued troubled situation in Jammu and Kashmir and the Gujarat riots were to further exacerbate these developments. Muslims were highly underrepresented in the political process in India[36] and Table 5.1 provides enough evidence for the same. As we have suggested earlier, Muslim representation reached its peak in 1980 largely on account of the political conjuncture of the times. However, in the 1990s, given the proliferation of new political actors in a highly competitive electoral setting, we find an active wooing of the Muslim community by different political parties including the BJP, which made some inroads, although relatively insignificant, within the Muslim constituency.[37] The Sikh assertion of the 1980s and 1990s, while not registering any major gains in pursuing the extreme agendas that sections of the community formulated, did, however, succeed in reasserting their distinct identity. In the context of the proliferation and assertion of such identity bonds, two ideas were advanced to elicit overall political cooperation: secularism while ensuring a minimum threshold of basic primary goods to all citizens on the one hand, and Hindutva which privileged a majoritarian identity as the essence of the nation on the other.

SC and ST Representation

If economic, cultural, and social deprivations converged in any one constituency and social stratification continued to define their station in life, it was

Table 5.1 Religious Communities and the Extent of Representation in the Lok Sabha

	Lok Sabha								
	1952–7	*1957–62*	*1971–7*	*1977–9*	*1980–4*	*1996–7*	*1998–9*	*1999–2004*	*2004 onwards*
N.A.	31	15	4	13	12	2	9	10	Nil
%	5.8	2.8	0.7	2.6	2.1	0.4	1.7	1.8	Nil
Hindu	440	483	498	421	473	478	490	493	490
%	82.7	90.1	90.1	83.9	83.9	88.4	90.2	86.6	88.8
Muslim	23	17	33	42	51	32	24	48	35
%	4.3	3.2	6	8.4	9	5.9	4.4	8.4	6.34
Christian	16	4	10	14	16	19	12	11	12
%	3	0.7	1.8	2.8	2.8	3.5	2.2	1.9	2.16
Sikh	12	12	8	7	9	8	6	6	12
%	2.3	2.2	1.4	1.4	1.6	1.5	1.1	1.1	2.16
Jain	2	2	4	4	3	2	2	1	2
%	0.4	0.4	0.8	0.8	0.5	0.4	0.4	0.2	0.36
Parsi	8	3	1	1					
%	1.5	0.6	0.2	0.2					
Buddhist									1
%									0.18
Total	532	536	553	502	564	541	543	569	552
Total %	100	100	100	100	100	100	100	100	100

Source: Election Commission Reports, www.eci.gov.in.

among the SCs and STs. Most of the Parliament members belonging to these communities, in the 1990s, had lower education and declared themselves as cultivators or teachers. There was still a touch of social movement among many of them. Four of them claimed to be trade union leaders.

While the extent of SC and ST representation remained relatively stable in the 1990s, thanks to political reservation, the extent of participation and its intensity underwent significant changes. In many ways, their representation prior to the 1980s was virtual. For a candidate to win the election in an SC reserved constituency, he/she had to seek the approval of the non-SC electorate, given the fact that SCs could not form a majority on their own in any of the Lok Sabha constituencies. But in the 1980s and 1990s, there was a huge mobilization of SCs, primarily under the auspices of the BSP, and this mobilization was pre-eminently targeted towards electoral gains rather than socio-economic betterment as the case had been earlier. It forced the other parties to promote competent candidates from among the SCs, and not merely henchmen of dominant caste leaders, if they had to hold on to the support of this constituency. Table 5.2 provides an outline of SC and ST representation

over time. A process similar to SCs, but not as strikingly innovative, has been at work among STs as well. P.A. Sangma, Shibu Soren, and Ajit Jogi, as members of the Lok Sabha, have marked a course which in many ways is different from earlier Adivasi leadership. They have shown the capacity to bid for power on their own rather than merely be the faithful followers of non-Adivasi leadership.

Table 5.2 SC and ST Representation in the Lok Sabha, 1952–2004

	Lok Sabha								
	1952–7	*1957–62*	*1971–7*	*1977–9*	*1980–4*	*1996–7*	*1998–9*	*1999–2004*	*2004 onwards*
Others	439	442	445	407	444	424	429	443	430
%	82.50	82.50	80.50	81.10	78.70	78.40	79.00	77.90	77.90
SC	68	71	75	64	83	79	75	86	81
%	12.80	13.20	13.60	12.70	14.70	14.60	13.80	15.10	14.70
ST	25	23	33	31	37	38	39	40	41
%	4.70	4.30	6.00	6.20	6.60	7.00	7.20	7.00	7.40
Total	532	536	553	502	564	541	543	569	552
Total %	100	100	100	100	100	100	100	100	100

Source: Who's Who of the Fourteenth Lok Sabha.

Public Perception of SC and ST Representation in the Lok Sabha

SC and ST representation in the Lok Sabha has found a broad, but not enthusiastic, acceptance in the political domain. We sought to know from the intellectuals we questioned the purpose that this representation has served over the years on a ranked scale of four choices (see Table 5.3).

Table 5.3 Purpose of SC and ST Representation in the Lok Sabha

Q4. What purpose has the SC and ST representation served in the Lok Sabha?

	1st	*2nd*	*3rd*	*4th*
1. To uphold the interests of SCs and STs	56	21	11	9
2. To provide a conduit to the demands of SCs and STs	28	37	19	5
3. To legitimize the dominance of upper castes and classes	8	7	15	28
4. To conserve social solidarity	29	19	22	9
Total	121	84	67	51

Source: Questionnaire administered to public intellectuals.
Note: No Response = 2; No Prioritization = 2; N = 121.

If we aggregate the first two preferences, our respondents feel that the Lok Sabha has succeeded in furthering the first two purposes stated in Table 5.3 much

more than the latter two, to uphold the interests of SCs and STs and to provide a conduit to their demands. They also feel that preferential representation accorded to them has played a role in conserving social solidarity in India appreciably. Hardly a few of them considered political reservation as a tool to legitimize the dominance of upper castes and classes, although one could argue that in conserving social solidarity dominance gets reproduced.

To what extent has special political representation of the disadvantaged and discriminated groups succeeded in advancing the goals that were set for it? This was a reflective query over and above those mentioned in Table 5.3. Just over half of our respondents feel that political representation has succeeded in upholding the concerns of the neglected sections and disadvantaged groups, although nearly an equal proportion of the respondents do not endorse such a stance (see Table 5.4). There seems to be a deep divide on this issue in India's public domain, where interests, prejudices, and strong concerns converged. In fact, this assessment may have been foregrounded on different and even contradictory considerations.

Table 5.4 Extent of Realization of the Concerns of Disadvantaged Groups through Political Reservation

Q5. Has political representation succeeded in upholding the concerns of the neglected sections and disadvantaged groups?

Yes	No	No Response	N
58	53	10	121

Source: Questionnaire administered to public intellectuals.

Regionalization of the Lok Sabha

From the later part of the 1980s and particularly in the 1990s, we can note certain specific developments with respect to identities. There has been an increased regionalization of national political parties, manifest in several ways. The electoral support of national political parties has tended to be region-specific or concentrated in certain regions rather than spread relatively uniformly across the country. Even a political party such as the Congress is not an exception. Second, parallel to this development, we can also note the increased regionalization of the polity in the sense that a determinate number of regions have begun to play a major role in the distribution and appropriation of political power and have become the principal arbiters in the distribution of social goods. While sometimes these regions have been confined to a specific state, such as Andhra Pradesh or Tamil Nadu, at other times a region has included several states. The significance of these regions and shifts are primarily on account of political factors, not demographic or economic, although the latter do impact the former. This development has

made political parties in the regions assume a leading stance in making public decisions with regard to the polity as a whole. State actors are attempting to trump the union's agenda in the process. A third development during this period was the thawing of the difference between state and national parties. This development was largely due to the growing significance of state-level parties, which became decisive not merely for the victory of erstwhile national parties, but also in forging and wielding together a ruling alliance.

Table 5.5 demonstrates that the total share of the 'national' parties steadily declined during the 1990s, with a corresponding rise in the strength of single-state parties. Arora suggests, 'These developments have undoubtedly impacted the functioning of Parliament, both in terms of the concerns aired as well as the construction of governmental majorities.'[38]

Table 5.5 Seats Won by National and State Parties in the Lok Sabha, 1996–2004

Parties	*1996*	*1998*	*1999*	*2004*
Two leading parties:				
Congress	25.8	26.0	21.0	26.53
BJP	29.6	33.5	33.5	21.16
Sub-Total	55.4	59.5	54.5	47.69
Other National Parties*	18.8	11.8	13.3	15.26
Sub-Total	74.2	71.3	67.8	62.89
State Parties and Others	25.8	28.7	32.2	32.86
Total	100.0	100.0	100.0	100

Sources: Arora, 'The Indian Parliament and Democracy', pp. 18–19; *Statistical Report on the General Election, 2004*, Election Commission of India.

Note: * These are essentially multi-state parties which satisfy the Election Commission's criteria of recognition in at least four states. After each election, their eligibility is reviewed by the Election Commission and some drop to the category of state parties. The parties included in this category are: (i) In 1996: Communist Party of India (Marxist) (CPI [M]), Communist Party of India (CPI), Samata Party (SAP), Janata Dal (JD), All India Congress Committee (AIIC) (Tiwari) and Janata Party; (ii) In 1998: CPI (M), CPI, SAP, JD, and BSP; (iii) In 1999: CPM, CPI, BSP, and Janata Dal (United) (JD [U]). The Janata Dal (Secular) (JD [S]) which also had ad-hoc national status but only one seat has been excluded from this category' (Arora, 'The Indian Parliament and Democracy', p. 19); and (iv) 2004 = Nationalist Congress Party (NCP), BSP (See Election Commission of India, *General Election Report*, 2004, p. 99.) N = 543 seats.

Table 5.6 provides a bird's eye view of the regionalization of the polity in the 13th and 14th Lok Sabhas with focus on political parties, regions, and states.

Table 5.6 shows the sharp regional variations in the support base of the two main national parties and the pivotal role of single-state or small parties in the 13th and 14th Lok Sabhas. Single-state or region-specific parties became major stake holders in the 1990s and beyond with regard to the distribution of power and influence in the Lok Sabha, which was unprecedented.

Table 5.6 Parties and Alliances in the 13th and 14th Lok Sabhas, 1999 and 2004

Zone/States	*Seats 1999*	*Seats 2004*	*INC 1999*	*INC and Allies 2004*	*BJP 1999*	*BJP and Allies 2004*	*Others 1999*	*Details of Other Parties 1999*	*Details of Other Parties 2004*
Zone I: 245 Seats (1999); 220 Seats (2004); North and Northwest (8 States [1999]; 9 Seats [2004] + Delhi NCT + Chandigarh Union Territory)									
1. Uttar Pradesh	85	80	10	9	29	BJP 10, JD (U) 1	46	SP 26/BSP 14/RLD 2/ LC 2/Ind 1/ SJP (R) 1	SP 35, BSP 19, RLD 3, SJP (R) 1, NLP 1, Ind. 1
2. Bihar	54	40	4	INC 3, RJD 19, LJSP 4.	23	BJP 5, JD(U) 6	27	JD(U)18/RJD 7/ CPIM 1/Ind. 1	
3. Madhya Pradesh	40	29	11	INC 4	29	BJP 25	0	0	
4. Rajasthan	25	25	9	INC 4	16	BJP 21	0	0	
5. Punjab + Chandigarh	14	14	9	INC 3	1	BJP 3, SAD 8	4	SAD 2/CPI 1/ SAD(Mann)01	
6. Haryana	10	10	0	INC 9	5	BJP 1	5	INLD 05	
7. Delhi NCT	7	7	0	INC 6	7	BJP 1	0	0	
8. Jammu and Kashmir	6	6	0	INC 2, PDP 1, INC (Ind) 1	2	BJP 0	4	JKNC 04	
9. Himachal Pradesh	4	4	0	INC 3	3	BJP 1	1	HVC 01	
10. Uttaranchal		5	N.A.	INC 1	N.A.	BJP 3	N.A.	N.A.	SP 1
Total North Northwest	245	220	43	INC 44, Allies 25	115	BJP 70, Allies 15	87	NDA Allies 34	66
Zonal Percentage	100		17.6		46.9		35.5	NDA Allies 13.9	

(*contd.*)

Table 5.6 (*contd.*)

Zone/States	*Seats 1999*	*Seats 2004*	*INC 1999*	*INC and Allies 2004*	*BJP 1999*	*BJP and Allies 2004*	*Others 1999*	*Details of Other Parties 1999*	*Details of Other Parties 2004*
Zone II: 88 Seats (1999); 83 Seats (2004): East and Northeast 10 States (1999); 12 States (2004)									
1. West Bengal	42	42	3	INC 6,	2	BJP 0, AITC 1	37	CPI (M) 21/ CPI 03/RSP 03/ FBL 02/TC 08	CPI (M) 26, CPI 3, RSP 3FBL 3
2. Orissa	21	21	2	INC 2, PDP 1, INC (ind) 1	9	BJP 7, BJD 11	10	BJD 10	JMM 1
3. Assam	14	14	10	INC 9	2	BJP 2, BJP (ind) 1	2	CPI(ML) 01/Bodo SMC 01(Indep)	AGP 2
4. Six Northeastern States + Sikkim	11	11	4	INC 2	0	BJP 2, SDF 1, MNF 1, TRMC 1, NPF 1	7	CPI (M) 02/NCP 02/MSCP 01/ SDF 01/IND.01	SP 1
5. Jharkhand		14		INC 6, JMM 4, RJD 2		BJP 1		CPI 1	
6. Chhattisgarh		11		INC 1		BJP 10			CPI (M) 2
Total East Northeast	88	113	19	INC 28, Allies 6	13	BJP 20, Allies 17	56	NDA Allies 21	37
Zonal Percentage	100		21.6		14.8		63.6	NDA Allies 23.9	
Zone III: 78 Seats: West: (3 States + 2 UTs)									
1. Maharashtra	48	48	10	INC 13, NCP 9, RPI(A) 1	13	BJP 13, SHS 12	25	SHS 15/NCP 06/ PWP 01/JD(S) 01/BBM 01/Indep. 01	

2.	Gujarat+ D and D, D and NH	28	28	7	INC 13	20	BJP 14	1	Ind. 01	BNP 1
3.	Goa	2	2	0	INC 1	2	BJP 1	0	0	
	Total West	78	78	17	INC 27, Allies 10	35	BJP 28, Allies 12	26	NDA 15	1
	Zonal Percentage	100		21.8		44.9		33.3	NDA Members and Allies 19.2	
	Zone IV: 132 Seats: South: (4 States + 3 UTs)									
1.	Karnataka	28	28	18	INC 8		BJP 18			JD(S) 2 CPI 1,
2.	Andhra Pradesh	42	42	5	INC 29, TRS 5	7	BJP 0, TDP 5	30	TDP 29/MIM 01	CPI (M) 1, MIM 1
3.	Tamil Nadu+	40	39	3	INC 10, DMK 16, PMK 5, MDMK 4	4	BJP 0, TDP 5	33	DMK 12/PMK 05/ MDMK 03/ MADMK 01/ADMK 11/CPM 01	CPI 2, CPI (M) 2
4.	Pondicherry	1	1		INC 0, PMK 1					
5.	Kerala	20		8	INC 0, MUL 1.	0	BJP 0, FDP 1	12	CPM 08/M L02/KEC (M) 01	CPI (M) 12, CPI 3, KEC 1, Ind. (LF) 1, JD(S) 1
6.	Lakshadweep and Andaman and Nicobar	2	2	1	INC 1	1	JD(U) 1, BJP 0	0		
	Total South	132	132	35		19	BJP 18, Allies 7	78	NDA & Allies 53	27
	Zonal Percentage	100		26.5		14.4		59.1		
	Total Seats	543	543	114		182		247	NDA and Allies 123	
	Total Percentage	100		21		33.5		45.5	NDA and Allies 22.7	

(contd.)

Table 5.6 (*contd.*)

Source: Compiled from Balveer Arora, 'The Indian Parliament and Democracy', in Ajay K. Mehra and Gert W. Kweck (eds), *The Indian Parliament: A Comparative Perspective* (New Delhi: Konark, 2003), p. 22ff and Election Commission data (1999).

Notes: 1. The JD (U) pre-election merger agreement was not ratified by the SAP and the parliamentary party consequently split into SAP 12 (including one independent) and JD (U) 10 members, after the 1999 elections.

2. The six Northeastern states are: Tripura, Manipur, Meghalaya, Nagaland, Arunachal Pradesh, and Mizoram.

3. D and D = Daman and Diu; D and N H = Dadra and Nagar Haveli.

* RLD = Rashtriya Lok Dal; SJP (R) = Samajwadi Janata Party (Rashtriya); NLP = National Loktantrik Party; RJD = Rashtriya Janata Dal; LJSP = Lok Jan Shakti Party; SAD = Shiromani Akali Dal; INLD = Indian National Lok Dal; PDP = People's Democratic Party; JKNC = Jammu & Kashmir National Conference; HVC = Haryana Vikas Party; JMM = Jharkhand Mukti Morcha; FBL = All India Forward Bloc; AGP = Asom Gana Parishad; SDF = Sikkim Democratic Front; MNF = Mizo National Front; MSCP = Manipur State Congress Party; NDA = National Democratic Alliance; NPF = Nagaland People's Front; SHS = Shiv Sena; PWP =Peasants and Workers Party; RPI (A) = Republican Party of India (Athvale); BBM = Bharatiya Bahujan Mahasangha; BNP = Bharatiya Netaji Party; TRS = Telengana Rashtra Samiti; TDP = Telugu Desam Party; PMK = Pattali Makkal Katchi; MADMK = M.GR. Anna Dravida Munnetra Kazhagam; MDMK = Marumalarchi Dravida Munnetra Karzhagam; KEC (M) = Kerala Congress (Mani); KEC = Kerala Congress.

With reference to the 2004 Lok Sabha elections, Yogendra Yadav has argued that electoral verdict can spatially be located into three zones: the western zone where the BJP and its allies triumphed; the eastern zone where the Congress and its allies triumphed and; the middle zone where the results were mixed.[39] The truth is much more complex when we unpack each one of these regions. Arora, for instance, has argued that what is at stake is not an all-India political geography, but a huge regionalization of Indian electoral geography.[40] What areas are encompassed by a particular region is not very significant for our purpose. What is important to note is that Members of Parliament (MPs) now have their electoral lifeworld firmly anchored in regions and the national picture is not very significant as long as they map out their priorities and those of their electoral constituencies.

When we take the top 20 principal parties represented in Parliament, they simultaneously wield power at the state level or are contenders for it.[41] The dividing line between government and opposition thereby gets further complicated by the fact that the opposition party at the union level may be the state ruling party and vice versa. The complexities of electoral federalism and the presence of a large number of single-state parties in federal coalitions make it virtually impossible to eliminate state-level concerns from Parliament, even if it were considered desirable to do so. This is a remarkable development from the 1990s onwards. Plainly said, the parties in power at the union and state levels widely vary. This variance is not merely an opposition but interlocked conflict and cooperation. Those in power at the union level and at the state level cannot proceed against each other without seriously damaging their own interests. It makes both the ruling parties and the opposition tone down their opposition. Since a large number of big and small regional parties become stake holders in political power either at the level of the state, region or union, none of them can afford to push their conflicts beyond a particular threshold.

There is a second development that we can see in federalism in the 1990s. A large number of MPs now voice issues before the Lok Sabha which are strictly the concerns of the states. What is interesting is that members belonging to political parties ardent on regional identity and autonomy seem to be arguing for it as well in the House.[42] Interestingly, the formal division of authority—union, state, and concurrent—is contested precisely at a point when states and regions are arrogating to themselves greater autonomy and independence.

Recent electoral studies suggest a regionalization of the polity and a blurring of the boundaries between central and state powers.[43] Commenting on the unanticipated outcome of the elections to the Lok Sabha in 2004, Yogendra Yadav says that, 'the changing verdicts at the state-level were critical to the national outcome' and 'People's assessment of their respective state governments'[44] was one of the important factors that determined the outcome of the verdict. What was of utmost importance to most to the electorate was what

transpired at the regional level. Thus the regionalization of the polity made swings of votes uneven, in different directions. Alongside this process there was another one at work in the reverse direction, of the growing stakes of the states in the federal power and in the policies pursued by the union in a globalizing world. Therefore few parties today would like to be left out from being stake holders in the formulation and exercise of union powers. The regionalization of the polity is increasingly not a return to the warmth of home and hearth but a union-informed-region and region-informed-union.

Political Parties and Regionalization of the Polity

The regionalization of the polity in the 1990s was manifest in other ways as well. Regional parties became not merely additive units to coalition politics, but they contributed enormously to the weight the leading party wielded after the elections. The success of a coalition and eventually the popular backing it commanded therefore largely depended upon the network of alliances that it wielded.

The rise of a distinct brand of parties has both contributed to the rise of distinct identities as well as reinforced them. There are of course different sets of these parties which are branded 'regional' parties:

1. There are sub-regional and ethnic parties primarily confined to a region, caste or community such as the Pattali Makkal Katchi (PMK) with its base amongst the Vanniyars in Tamil Nadu; Kerala Congress with its base among Syrian Christians in Kerala; and the Bharatiya Lok Dal with its base amongst the Jats in western Uttar Pradesh. While they are confined to a region and cannot win an election on their own in their respective states, they can shift a decisive proportion of votes in favour of a party.
2. There are parties such as Telugu Desam Party (TDP) in Andhra Pradesh, the Shiromani Akali Dal (SAD) in Punjab, the erstwhile Tamil Manila Congress, the Asom Gana Parishad (AGP) in Assam, Jharkhand Mukti Morcha (JMM), and the Haryana Vikas Party (HVC) which have confined themselves to their respective states.
3. Parties such as the Biju Janata Dal (BJD) in Orissa, the Jammu & Kashmir National Conference (JKNC) in Jammu and Kashmir, and the Trinamool Congress (TMC) in West Bengal, while not necessarily confining themselves to a region, have hardly made attempts to go beyond the state of their initial moorings.
4. There are parties which are primarily anchored in certain regions but strive to spread elsewhere such as the BSP, SP, Rashtriya Janata Dal (RJD), Shiv Sena (SHS), Nationalist Congress Party (NCP), etc. All of them have a strong base in an ethnic group, caste, caste–community alliance but are not

wholly confined to them. Many commentators would place the Left parties too within this group.

5. Parties which are caught in linguistic and ethnic identity—DMK and AIADMK—are coextensive with the identities they are anchored in.

Several parties underwent a metamorphosis in the 1990s. While most of them retained their ideologically hallowed nomenclature, their social base came to be relocated to reach out to a caste, caste-bloc[45] or community. Many political parties arose or stabilized in the 1990s, including the BSP, RJD, Samajwadi Janata Party (Rashtriya) [SJP (R)], Sikkim Democratic Front (SDF), Maharashtrawadi Gomantak Party (MGP), Bharatiya Kisan Kamgar Party (BKKP), All India Majilis-E-Ittehadul Muslimeen (AIMIM), Autonomous State Demand Committee (ASDC), Kerala Congress (Mani) [KEC (M)], TPP, Vishal Haryana Party (VIHS), All Party Hill Leaders Conference (APHLC), Bharatiya Bahujan Mahasangha (BBM), All India Trinamool Congress (AITC), Indian National Lok Dal (INLD), JD(S), PMK, NCP, Akhil Bharatiya Lok Tantrik Congress (ABLTC), MDMK (Marumalarchi Dravida Munnetra Karzhagam), All India Forward Bloc (FBL), Lok Jan Shakti Party (LJSP) and Rashtriya Lok Dal (RLD), and others.

Political parties have played a major role in the political transition in India. The party system has acted as the nodal point connecting accelerated participation and orderly rule in states. It is not merely the sustenance of the parties, but the effective regionalization of a party by which it connects itself to social capital below that marks the crucial variable.[46] Mitra feels that 'the differential political evolution of party systems of the regions has led to a complex and diverse pattern of party accountability, sense of individual efficacy, legitimacy of the political system and, finally, of individual trust in the major public institutions'.[47] In fact, the 1990s threw up enormous institutional opportunities for political participation and for sustained mobilization of those sections which were hitherto marginal. While elite reproduction was sustained through the competitive party system, the social base of the elite came to be widened enormously. What was at work was a distinct model of sustaining representative democracy in the context of a deep but uneven diversity and yawning inequality at various levels.

According Recognition to Pluralism

Pluralism has been integral to the making of the Lok Sabha. But in the 1990s and early 2000s it was in the driver's seat. Both in 1996 and 1999 we find much greater assertions of pluralism and demands for recognition of the same, although the way these plural identities were handled differed significantly in 1996 and 1999. States like Jharkhand, Uttarakhand, and Chhattisgarh came to

be carved out largely on account of identity considerations. The invocation of Article 356 decreased in the 1990s. There was a greater appreciation of federalism constituted around identity concerns rather than merely seeing it as a mechanism for sharing powers. There was much less use of the armed forces to suppress identity assertions. In fact, one can see a great deal of continuity in the policy of the National Democratic Alliance (NDA) and United Progressive Alliance (UPA) governments with regard to handling issues, such as in Jammu and Kashmir and the Northeast, a continuity which began to make its presence felt from the 1996 Parliament onwards.

Civil Society and Community-based Membership

MPs, particularly of the Lok Sabha have been members of a wide variety of civil society and community-based associations. Some of these ties could be traced to the course of the national movement itself and the reaction it bred among different social layers. It is important for us to make a distinction between civil society institutions and community-based institutions: the former are characterized by open membership and members can play an active role in defining the purposes of these bodies and rules of their association; in the latter, membership is largely closed and members have very little role to play in defining the purposes and rules of association. Many MPs, apart from being members of such associations, have also founded such associations and have often led them for long periods. We tried to demarcate members of the 14th Lok Sabha on the basis of their civil and community affiliations and how they related to the changed political context in India. An MP may be active in numerous civil and community fora. However, we have relied on the statement filed by MPs before the Lok Sabha and published in *Who's Who of the Fourteenth Lok Sabha*, 2004–9. In many ways, these statements reflect the vision that members have of the nation as a whole and how they relate their civil and community ties with the idea of the nation.

1. Those whose membership and involvement is mainly confined to their community related associations. Some of them might be members of civil society bodies but such bodies themselves are closely associated with community ties. For instance, Ashok Argal (BJP, Morena, SC) claimed, among other things, that he was active in community marriage ceremonies of the Jatav Samaj, launched a crusade against evils like *Mrityu Bhoj* (feast on the death of a person), was Vice President of Sant Raidas Birth celebrations committee, and so on. While some of these activities need not be community-specific in the context, they are directed to fairly closed groups. Bwiswmuthiary Mushri Sansuma Khunggur (Independent, Khokrajhar, ST) stated that he was a

member of the Central Working Committee of the Bodo Sahitya Sabha from 1981 to 1983; had actively persuaded the Government Accord associated with the language status of the Bodos in Assam, published a Bodo Journal and Bodo newspapers, and worked actively to enforce prohibition among Bodos. He was also the founder of the All Assam Tribal Welfare Federation.

2. Those who are also involved in the associations of other communities. They might be associated with civil society bodies but such associations are foregrounded to an extent, on their community ties. For instance, E. Ahmed (Muslim League, Ponnani) stated that he was the Executive Director of *Chandrika,* daily and weekly; associated with several educational cultural and social institutions; President of Kannur Deen Dayal Islam Sabha; General Secretary of Muslim Educational Foundation, Panur, and member of Kerala State Wakf Board and Central Haj Committee, 2003.

3. Those with strong affiliation with civil society bodies: P. Chidambaram (INC, Sivaganga) stated that he was a trustee of the Rajiv Gandhi Foundation and Illakiya Chintanai; member of Kodaikanal Club, Sterling Club, Chennai, Gymkhana Club, Delhi, and so on. Another member, Adheer Ranjan Chowdhury (INC, Behrampore) claimed that he rendered service to the poor in the form of blood donation, flood relief and drought relief by setting up a club for the purpose, managed a public library, and others.

4. Those with strong associations with civil society bodies but who also reach out to secular activities of community-based associations. By the term secular we mean activities that are not overtly confined to the beliefs, values, and practices of any specific community, inclusive in character, and not religious in a strong sense. Giridhar Gamang (INC, Koraput, ST) claimed that he was an executive committee member of Constitution Club, New Delhi, life member of Forest Research Institute, Dehradun and International Society for Krishna Consciousness (ISKCON); advisor to various cultural organizations for the promotion, preservation, and development of the 'Saura' script and tribal folk music.

It must be remembered that members might not have mentioned their associations in their statements for one reason or another. Or they might have ceased to be members at that time. Some may be more involved with one association rather than another. Most members, however, are not merely associated with one body. We selected all members who had an ongoing association with more than five such bodies and correlated them with their respective political parties. It is also to be remembered that many of these associations are multipurpose and the political significance of such associations widely vary. For instance, strong affiliations with Dalit and Adivasi-based associations have very different connotations in comparison to an affiliation to the Sangh Parivar organizations. Further, civil society associations may range

from corporate and business associations to trade unions and organizations thrown up by social movements.

However, being associated with certain organizations rather than another, and related set of associations rather than a mixed group of associations conveys a meaning, the kind of priorities members assign to their politics, and the kind of identities that are proposed and mounted in the public domain. It also demonstrates the intensity with which MPs rally behind issues and shift their allegiance from one party to another. To an extent this associational life also demonstrates the kind of priorities that political parties set for themselves on the basis of a broad political culture they share.

What we find in the late 1990s and in the first decade of the third millennium is a huge proliferation of civil and community-based associations and bodies. Some of them became the social base of support of members of the Lok Sabha not merely in electoral campaigns but also to sustain their involvement, authority, and prestige both in their constituencies and in relation to other organized forces including their own political parties.

Out of the 543 members of the 14th Lok Sabha, we found that 403 members—nearly three-fourths of the members—stated that they were related to or active in five or more associations. While such affiliations are spread across political parties, members of the Left parties are connected with many more associations in comparison with others. Members of large parties such as the Congress and the BJP are a close second. Members of certain relatively new parties such as the PMK, JMM, BJD, and JD (U) are active in several associations although not to the extent of the Left or Congress or BJP. Members of some older parties such as SAD, DMK, SP, and NCP too have a stronger involvement with such bodies. However, fewer members of the BSP and Shiv Sena are associated with more than five such bodies. The overall association of members of the Lok Sabha with community and civil society organizations has grown enormously from the 1990s in comparison with the 1950s and 1970s (see Table 5.7).

What is interesting to note is the association of members of the Lok Sabha with bodies that have a pronounced identity or community-related orientation. Among the large parties, members of the BJP and Shiv Sena seem to have the closest association with such bodies. Such bonding is very feeble in the Left, BSP, JD (U), PMK, MDMK, TDP, and the Indian National Congress. Association with secular bodies is highest among the members of the Left and smaller parties such as the PMK and the MDMK. It is also fairly high among JD (U) and SP members. In parties such as the SP and BJD, while some members are strongly associated with community-related bodies, there are others who are involved in pronouncedly civil society institutions and activities. There is a strong correlation in the association of the Congress with secular associations and secular activities. It is also to be noted that a

Table 5.7 Association of the Members of the Ninth Lok Sabha (2004) with Community and Civil Society Bodies

Political Parties	*Exclusive Affiliation to One's own Community Related Associations*	*Primary Affiliation to One's Own Community Related Associations and Secondarily to Other Community Related Institutions*	*Exclusive Affiliation to Secular Associations*	*Primary Affiliation to Secular Associations and Secondarily to Secular Activities of Community-based Institutions*	*Number and Proportion of Members Affiliated to Civil and Community Associations out of the Total*	*Total Number of Members of the Lok Sabha 2004*
INC	5 (3.4%)	5 (3.4%)	86 (59.6%)	16 (11.0%)	112 (77.2)	145
BJP	14 (10.1)	40 (29.0)	42 (30.4)	8 (5.8)	104 (75.4)	138
LEFT	1 (1.9)	4 (7.7)	43 (82.7)	4 (7.7)	52 (98.1)	53
SP	1 (2.8)	4 (11.1)	17 (47.2)	2 (5.6)	24 (66.7)	36
BSP		1 (5.3)	5 (26.3)	1 (5.3)	7 (36.8)	19
JD(U)			5 (62.5)	1 (12.5)	6 (75)	8
TRS	1 (20)		1 (20)		2 (40)	5
JD(S)		1 (33.3)	1 (33.3)		2 (66.7)	3
PMK			5 (83.3)		5 (83.3)	6
RJD		3 (18.8)	12 (75)	1 (6.3)	16 (66.7)	24
MDMK			3 (75)		3 (75.0)	4
JMM		3 (60)	1 (20)		4 (80.0)	5
TDP	1 (20)	1 (20)	2 (40)	1 (20)	5 (100.0)	5
DMK	1 (6.3)		8 (50)	2 (12.5)	11 (68.8)	16
SHS		5 (41.7)	1 (8.3)	1 (8.3)	7 (58.3)	12
SAD		2 (25)	2 (25)	2 (25)	6 (75.0)	8
JKNC		2 (100)			2 (100)	2
BJD		2 (18.2)	5 (45.5)	1 (9.1)	8 (72.7)	11
NCP		2 (22.2)	4 (44.4)		6 (66.7)	9
Others	2 (5.9)	7 (20.6)	10 (29.4)	2 (5.9)	21 (61.8)	34
Total	21 (3.4)	77 (14.2)	167 (30.8)	26 (48)	403 (74.2)	543

Source: *Who's Who of the Fourteenth Lok Sabha.*

certain proportion of the members of all political parties are associated with secular bodies and activities, although such association is highly uneven. Even the BJP has members, nearly 40 per cent, with strong affiliations to secular associations. Some members of the Left parties are strongly associated with community-related activities.

The loyalties among members of the Lok Sabha, otherwise divided into competitive political parties, to civil and community-related bodies facilitate the evolution of one consensus rather than another and downplaying certain issues rather than others. It shows why political parties whip up some issues to prominence and not others. Further, a very high proportion of the members of the Lok Sabha are associated with bodies very strongly tied up with interests connected to the liberalization agenda. They could be educational enterprises, clubs, markets, communication, and industries which bring together the local elite and fuse common interests. In many ways it also explains the kind of tensions that parties such as the BJP experience, which are pulled in a big way towards identity politics on one hand and 'secular' activities on the other. It also explains the erosion of the base of certain parties, such as the INC, which tend to lose out with the sprouting of community-based institutions unless it ties itself up with political parties with strong community ties which are in consonance with its overall objective. Such tension is particularly visible in parties such as the SP and the RJD whose members are closely associated with secular associations but who attempt to appeal to very entrenched identity-related politics.

What is interesting, however, is the strength of association of members of the Lok Sabha with overtly civil and secular activities. Nearly 80 per cent of the members of 14th Lok Sabha state that their association is with secular bodies or associations that primarily pursue a secular agenda. The Lok Sabha has therefore a robust base in civil and community associations that pursue a complex array of activities that are not directly geared to reinforce community beliefs and practices. However, while members of the Lok Sabha may thrive in community affiliated politics, when it comes to stating their significant associations, they may downplay their association with community bodies. Only 18 per cent of the members of the Lok Sabha said they are strongly affiliated with community and community-related institutions. While it is quite possible that many members may not have stated such associations, or pursued a community-bound agenda while being associated with secular bodies, the difference between the proportion of members of the House involved in secular and community-bound associations is huge.

In fact, a large number of SC members, particularly those with the BJP, invoke strong ties with community-based associations as do ST members splintered across political parties. A vast majority of them are elected from the reserved constituencies and many of them have concerns of the deprived

groups they represent at heart. Therefore, their involvement with community associations may be enabling their community members. The same cannot be said about members hailing from a dominant group but primarily associating themselves with associations of their community. It is possible, however, that a large political party may confine some of its members hailing from a deprived group to foster the associations of that group and thereby limit the role of such members within its own party.

The Public and Presence of Difference

How does the public domain react to the growing differentiation of the Parliament and demands for representation that diverse identities pose in India? We decided to pursue this issue through the viewpoints of the intellectuals whose opinions were sought in this regard. There is an almost unanimous perception among them that there are few common interests among members of the Lok Sabha today and identities and interests are pitched against one another much more forthrightly than ever before (see Table 5.8).

Table 5.8 Shared Interests and Conceptions among Parliamentarians

Q1. There are few shared interests/conceptions common across MPs today. Do you agree?

Yes	No	No Response	N
97	11	13	121

Q2. MPs today remain confined to a great extent within party ghettoes:

Yes	No	No Response	N
110	6	5	121

Source: Questionnaire administered to public intellectuals in India.

Many respondents think that MPs cannot see beyond the interests of their respective parties and consciously dovetail their choices to the position of their respective parties. If this assessment is true, then it has profound consequences for the health of the polity. Every question eventually comes to be reduced to the prospects of the party, and the perspective of the party itself goes largely unchallenged, even though there might be good reasons to do so. It is quite possible that our respondents miss the wood for the trees in this case. Given the hold of identity considerations among MPs, it is important to underscore that political parties consider it imperative to provide necessary cohesiveness among their members and strive to foreground more inclusive concerns. While we will have occasion to return to the issue of the hold of the party over its members later, it is far off the mark to argue that there are no shared interests across Parliamentarians today. There cannot be a functioning Parliament without a core set of shared agreements. The issue therefore is not of shared agreements but the nature of these agreements.

An overwhelming number of our respondents think that national interests were the foremost consideration among members of the Lok Sabha in the early 1950s while there has been a progressive decline in this regard, reaching its nadir in 1990s (see Table 5.9). At the same time our respondents argue that Parliament today has come to encompass the great diversity in India like never before in the past (see Table 5.10). It is interesting to note that our respondents do not regard this inclusion of diversity as an issue of paramount national interest. Further public intellectuals seem to understand 'nation' and national interest in fixed and essentialized ways rather than as being constantly redefined. There is a conception of nation as a 'daily plebiscite'. While diversity has been constantly and continuously encompassed within the fold of the 'national', the term has also come to suggest a shared understanding within the citizens of the nation (see Table 5.11). However, intellectuals in India are apparently trapped in a construct that the state bequeathed in the 1950s.

Table 5.9 National Interests and their Priority

Q3. In which decade do you feel a shared national interest strongly infused the deliberations of the Lok Sabha?		
Early 1950s	94	*Note*: No Response = 4: N = 121
Late 1970s	32	
Late 1990s	5	

Source: Questionnaire administered to public intellectuals in India.

Table 5.10 The Lok Sabha and Inclusion of Diversity

Q4. The Lok Sabha is a miniature representation of the widest spectrum of the demographic diversity of India. It can better only its own record:			
Yes	No	No Response	N
101	9	11	121

Source: Questionnaire administered to public intellectuals in India.

All our respondents admitted that there is no parallel anywhere in the world to the diversity that the Indian Parliament has come to encompass. Many of our respondents commended highly this inclusionary capacity of the House, although quite a few of them thought that this diversity has not begun to engage with itself in India. There seems to be a hiatus between fact and value in Indian public: while the inclusionary character of the Indian nation is easily noticed, the nation itself as a value is defined independent of this fact.

Most of our respondents felt that there were few bridgeheads across the bewildering diversity that the Parliament has come to encompass and there are few concerns that unite members of the House in a durable sense. Agreements arrived at remain far too weak and do not generate the kind of intensity

Table 5.11 Diversity and Institutional Division of Labour

Q5. Given the pluralism, diversity, and cleavages in the Lok Sabha, there are only a few concerns shared across the divide. Therefore most of the important issues of government come to be handled by other organs:

Yes	No	No Response	N
84	22	15	121

Source: Questionnaire administered to public intellectuals in India.

and commitment that national concerns call for. They feel that given this context, the Lok Sabha has lost its capacity to keep its promise. This inability to function efficiently has given way to the rise of other organs of governance. If there is an added focus today on the Executive or the Judiciary, our respondents feel that it is largely due to the inability of the Parliament to deliver the goods. While this assessment seems to be partly correct and explains some of the developments on the ground, it can also be argued that the Executive and Judiciary have not been adequately sensitive to the deeply differentiated nature of Indian polity and function in a formalistic–universal framework of the conception of nation.

Certain concerns such as national fervour and spirit of tolerance have a strong correlation with the Lok Sabha of 1950s (see Table 5.12), generally acknowledged as a decade of great elite consensus. Concern towards the disadvantaged stands out in the 1970s. Issues like social inclusiveness and popular participation are roughly shared across all the periods although the 1970s has an edge over the other two periods. It is important to note that many of our respondents formulated their significant beliefs and values with regard to public life in the upheavals of the 1970s. That period is, of course, decried by most of them for its lack of a spirit of tolerance and for the declining national fervour. The 1990s is for most of them a period characterized by social

Table 5.12 Central Concerns of the Lok Sabha

Q7. During which periods do you think the Lok Sabha displayed the following characteristics the most?

	Early 1950s	*Late 1970s*	*Late 1990s*
Social Inclusiveness	35	38	33
Strong National Fervour	83	27	9
Popular Participation	31	44	37
A Concern towards the Disadvantaged	37	51	33
A Spirit of Tolerance	75	12	13

Source: Questionnaire administered to public intellectuals in India.

Note: No Response = 9; N = 121.

inclusiveness, popular participation, and a concern for the disadvantaged. But many see this period as the least endowed in national fervour and replete with a spirit of intolerance, tendencies that it shares with the 1970s. What, however, is at stake here is the idea of nation. The way the nation foisted itself in the 1990s was significantly different from the 1950s.

Our respondents feel that in the 1950s the Lok Sabha was decidedly tilted towards the centre; surprisingly, they think that the trend continued even in the 1970s although the rural areas came to be a prominent concern of the Lok Sabha during that period (see Table 5.13). Many of them felt that it was in the 1970s that the Lok Sabha made a decisive tilt towards the common masses. They feel that the region, identity, and the common people were not issues of central consideration of the Lok Sabha in the 1950s, while they tended to become so in the 1970s. A vast majority of them feel that the region becomes an issue of central consideration in the 1990s. There is also a decisive shift of focus towards the urban in the Lok Sabha of the 1990s. Understandably, a good majority of them feel that the Lok Sabha becomes decisively pro-rich and pro-dominant classes in the 1990s. Paradoxically, in their estimate, while the House was reaching out to the largest diversity in the 1990s, it was also becoming deeply insensitive to existing and growing inequality in the country. Such an evaluation is not far off the mark and is corroborated by other evidence in this study.

Table 5.13 Power Configuration in the Lok Sabha

Q2. How would you describe the power configuration in the Lok Sabha?

	Early 1950s	*Late 1970s*	*Late 1990s*
Social Inclusiveness	35	38	33
Tilted towards the Centre	68	32	10
Tilted towards the Region	7	25	76
Tilted towards Identity Concerns	12	31	45
Tilted towards Urban Areas	18	20	61
Tilted towards Rural Areas	24	40	32
Tilted towards Rich/Dominant Classes	17	15	63
Tilted towards '*aam aadmi*' (common man)	12	47	25

Source: Questionnaire administered to public intellectuals in India.
Note: No Response = 5; N = 121.

We have seen that the social composition of the Lok Sabha has undergone remarkable change over time and different segments of the society have reacted to this change differently. Nearly three quarters of our respondents approve the sociological tilt that the Lok Sabha has registered from the elite towards the masses and the marginalized segments of the society. While such inclusive thrust elicits wide approval, a small number of the respondents are

not prepared to endorse the same as such (see Table 5.14). The reasons for the dissent of this significant minority could be many: clogging the centres of decision making by too many conflicting claims may not make them necessarily fair; many of the representatives that crowd the Lok Sabha are not geared to make public decisions, leave alone speak on behalf of the social constituencies they claim to represent.

Table 5.14 The Lok Sabha and its Inclusive Thrust

Q1. Increasingly membership of the Lok Sabha has tilted from the elite to representatives of the masses and towards marginalized segments of society. Do you approve this turn towards the more populous elements?

Yes	No	No Response	N
97	18	6	121

Source: Questionnaire administered to public intellectuals in India.

Given the inability of the Parliament to rise to certain virtues central to it in the 1950s, and given other concerns of equal or more significance, should the system of Parliamentary democracy be dumped and replaced by a Presidential system?

There have been recurring arguments favouring the Presidential system, mooted by the intellectuals we questioned, that we have discussed elsewhere in this study. Our respondents who otherwise do not seem to be highly appreciative of the turn of events in the 1990s, however, in an overwhelming majority, endorsed the Parliamentary system (see Table 5.15). For them the diagnosis of the ailments of the present system does not lie in replacing the Parliamentary form of government with a Presidential one.

Table 5.15 Presidential System versus Parliamentary System

Q2. Do you prefer a Presidential system for India over a Parliamentary?

Yes	No	No Response	N
28	87	6	121

Source: Questionnaire administered to public intellectuals in India.

Our respondents felt that if there was a good reason to endorse the Presidential system it was political stability. Efficiency and national unity find equal endorsement if we aggregate the first three preferences (see Table 5.16). However, there are a substantial number of our respondents who do not see any merit in the Presidential system. They do not regard the Presidential system as desirable even in terms of political stability, efficiency, and national unity. Conversely, they would regard these objectives better served by a Parliamentary than a Presidential system. There seems to be an overwhelming

consensus that the impairments of the House should be rectified rather than seek to displace it by an alternative complex of institutions altogether. What is interesting to observe is the contradictory character of public intellectuals themselves who see the institution of Parliament as not having measured up to the mark. At the same time, they stand by the institution and do not think there is any realistic alternative to it.

Table 5.16 Advantages of Presidential System

Q3. If India opts for a presidential system what advantages do you foresee? (rank your response)					
a. Political Stability	32	11	14	2	0
b. Efficiency	17	19	10	2	1
c. National Unity	14	20	15	3	0
d. None	37	0	0	0	0
e. Any Other	2	2	0	0	1

Source: Questionnaire administered to public intellectuals in India.

Note: No response = 13; No ranking = 1; N = 121.

Radical Forces in Defence of Parliament

It is interesting to note that Parliament has succeeded in absorbing opposition to the Parliamentary system and making the opposition rally behind in defence of the Parliament. This inclusion represented by the Parliament has not merely been with regard to identities. In fact the Parliament has succeeded in bringing diverse and opposing standpoints on a common platform where they could contend. One of the illustrative cases in this regard, among many, is that of Somnath Chatterjee, the Speaker of the 14th Lok Sabha.[48] Even prior to the trust vote on 22 July 2008 when he refused to resign as Speaker as directed by his party, Chatterjee was making a plea to reinforce foundations of Parliamentary democracy in India, rather than merely see it as an instrumentality of ulterior purposes.[49] It was his view that 'Parliamentary Democracy shall always prevail in India based on people's faith in democracy and their abhorrence of dictatorship and exploitative and divisive systems.'[50]

Political forces which have been opposed to deliberation and debate have decried the Parliament and spoken about its corrupting influences. The RSS which has rejected deliberation and contestation as the grounding principle of its organization had looked apprehensively at the working of the BJS and subsequently the BJP within the confines of the Parliament and often attempted to monitor their working through overt and covert interventions.[51] This was also the argument of Charu Mazumdar and scores of Marxist–Leninist groups which have decried elections.[52] On the other hand, political forces which have denounced Parliamentary democracy but still tactically engage with it, have

succumbed to its insinuations. The complexity and diversity that the Indian Parliament has been called upon to handle has not allowed it the luxury of advancing a preferred scheme of life, however attractive it may be. To the contrary, it has had to wade through the anxieties, aspirations, and conceptions of a good life perceived by deeply diverse groups and communities and has had to formulate shared ways of life and evolve a working consensus across a complex polity.

* * *

In the first two Lok Sabhas, members strongly upheld national unity and perceived pluralism and diversity as a great threat to national unity. However, the latter could not be simply set aside. Diversity and pluralism have been quite central to the constitution of the Lok Sabha from early on, although these attributes were subordinated to the pursuit of national unity. When we come to the 1970s, this relationship, which in a way remained fuzzy, began to take on a contradictory posture: the leading segment of the Parliament attempted to impose over the rest a set of policies as being good for the whole country, while there emerged at the same time powerful assertions demanding place for diverse identities. In the 1990s the balance of forces had decisively shifted towards the latter. This shift eventually has resulted in broad-basing Indian democracy, unthinkable in the 1950s. At the same time the institutions that evolved in the 1990s, particularly the party system ensured that the shift towards plural identities did not necessarily beget a fragmented expression of the polity. There was both the processes of differentiation and interlocking that were at work primarily through the party system but not exclusively so. While members of the Lok Sabha might have been distributed across a number of competing parties, their civil and community ties need not necessarily have pitch-forked them against one another. This calls for a different kind of understanding of the processes at work and estimation of national unity. In our survey of public intellectuals and political leaders, while there is a great deal of appreciation of the shift towards plural identities, there is no corresponding review of the kind of nation that India wants to be. By and large the majority of our respondents are comfortable with the conception of nationhood, upheld by the Lok Sabha in the 1950s, and there is a great deal of disparaging of the shift towards the region manifest in the 1990s. One of the major anomalies detected by our respondents in the 1990s is the growing tilt of the House towards the rich and the dominant while it has become sociologically inclusive. Presence alone need not guarantee fairness in other domains of redistribution in a society caught in multiple and overlapping inequalities. While other institutional measures may have to be called for, if the Lok Sabha has to hold out a credible promise of fairness, it is important for us to consider the existing complex of institutions with which the Lok Sabha works in tandem.

NOTES

1. Sudipta Kaviraj (ed.), 'Introduction', in *Politics in India* (New Delhi: Oxford University Press, 1997), pp. 26–7.
2. Arun Shourie, *The Parliamentary System: What We have Made of it, What We Can Make of it* (New Delhi: Rupa & Co., 2007) p. 35.
3. Ibid.
4. Ibid., p. 58.
5. See V. Geetha and S.V. Rajadurai, *Towards a Non-Brahmin Millennium: From Iyothee Thass to Periyar* (Calcutta: Samya, 1998).
6. See B.R. Ambedkar, *What Congress and Gandhi have done to the Untouchables?* (Bombay: Thacker & Co., 1945).
7. See Satya Pal Dang, 'Hindu Organizations and Punjab Politics', in Moin Shakir (ed.), *Religion and Politics* (New Delhi: Ajanta, 1989), pp. 373–83; and Gurubhagat Singh, 'Punjab: The Politics of Cultural Assertion', in Shakir (ed.), *Religion and Politics*, pp. 385–93.
8. Valerian Rodrigues, 'Citizenship and the Indian Constitution', in Rajeev Bhargava and Helmut Reifeld (eds), *Civil Society, Public Sphere and Citizenship: Dialogues and Perceptions* (New Delhi: Sage, 2005), pp. 209–35.
9. Tapati Guha-Thakurtha provides vivid glimpses of the cultural project that the Indian state built up in this regard. See Tapati Guha-Thakurtha, 'Instituting the Nation in Art', in Partha Chatterjee (ed.), *Wages of Freedom: Fifty Years of the Indian Nation-State* (New Delhi: Oxford University Press, 1998), p. 97; See also Sudipta Kaviraj, 'The Imaginary Institution of India', in Partha Chatterjee and Gyanendra Pandey (eds), *Subaltern Studies*, vol. VII (New Delhi: Oxford University Press, 1992).
10. See Partha Chatterjee, *The Nation and its Fragments: Colonial and Post-Colonial World* (New Delhi: Oxford University Press, 1994).
11. Sumit Sarkar, *Modern India* (Madras: Macmillan, 1985); Uday Mehta, *Liberalism and Empire: India in British Liberal Thought* (New Delhi: Oxford University Press, 1999).
12. See V.K. Dewan, *Law of Citizenship, Foreigners and Passports*, 3rd edition (New Delhi: Orient Law House, 2000).
13. See Balraj Puri, *Towards Insurgency* (New Delhi: Orient Longman, 1993).
14. The Naga armed resistance against the deployment led to the continuance of the armed confrontation. Eventually, the central government and Naga People's Convention found a constitutional solution, creation of a separate state within India, Nagaland. It was established in 1962 through the 13th amendment to the Constitution.
15. Robert J. Hardgrave, *The Dravidian Movement* (Bombay: Popular Prakashan, 1965), p. 54.
16. Ibid., pp. 54–6.
17. For developments in this regard, see Stanley A. Kochanek, *The Congress Party in India* (Princeton: Princeton University Press, 1968), p. 257 ff.
18. See Dhananjay Keer, *B R Ambedkar: Life and Mission*, 3rd edition (Mumbai: Popular Prakashan, 1971), p. 450. To be fair, several Congressmen did not favour this first invocation of Article 356 including the then President Rajendra Prasad who wrote to Jawaharlal Nehru saying, 'I intensely dislike suspending the normal working of the Constitution in the Punjab and assuming to myself the functions of the State Government.' See Granville Austin, *Working a Democratic Constitution: The Indian Experience* (New Delhi: Oxford University Press, 1999), p. 158.
19. The Eighth Schedule in the 1950s contained only 15 languages; now they are number 22.

20. Sudipta Kaviraj has denoted such identities as fuzzy. 'Communities were fuzzy in two senses: Rarely, if ever, would people belong to a community which would claim to represent or exhaust all the layers of their complex self-hood. Individuals on suitable occasions could describe themselves as vaisnavas, Bengalis or more probably as rarhis, kayasthas, villagers, and so on; and clearly although all these could on appropriate occasions be called their *samaj* (if they were Bengalis), their boundaries would not coincide. The complex sum of these identities, now anachronistically termed "selves" would be fuzzy in the first sense. More significantly, it would be fuzzy in a second sense as well. To say their community is fuzzy is not to say it is imprecise...It was practically...precise, and adequate to the scale of social interaction. It would not, however, occur to an individual to ask how many of them there were in the world.' 'On the Construction of Colonial Power', in Kaviraj (ed.), *Politics in India*, pp. 147–8.

21. According to Ashis Nandy, during this period there was an 'aggressive affirmation of Indianness to contain fears of one's own rootlessness, tough-minded pursuit of national interest which rejects nothing as ethically taboo, ideological acceptance of absolute cultural relativism to explain away all failings of the society as characteristic of its culture and simultaneously and paradoxically, parity-seeking of a kind which induces the citizen to see the achievements of the nation only in terms of the attitudes of other polities.' 'Indira Gandhi and the Culture of Indian Politics', *At the Edge of Psychology: Essays in Politics and Culture* (New Delhi: Oxford University Press, 1980), p. 113.

22. Ashis Nandy's assessment in this regard may have to be qualified to a great extent: 'Indira Gandhi throve in an atmosphere where the idea of a plural society was increasingly losing its appeal. While the right attacked it as an excuse for all kinds of political soft-headedness, the left found it, if not irrelevant, secondary to the goals of economic equality and distributive justice.' Ibid., p. 117.

23. See V. Geetha and S.V. Rajadurai, 'Dravidian Politics: End of our Era', *Economic and Political Weekly*, 29 June–5 July 1991; and G. Palanithurai (ed.), *Caste Politics and Society in Tamil Nadu* (New Delhi: Kaniska, 1994). Also see Narendra Subramanian, *Ethnicity and Populist Mobilisation: Political Parties, Citizens and Democracy in South India* (New Delhi: Oxford University Press, 1999).

24. The Anandpur Sahib resolution adopted in October 1973 laid stress on a greater degree of autonomy to states including limiting central 'interventions' in state affairs to defence, foreign affairs, railways, and a few other areas. For the Anandpur Sahib resolution and the Punjab crisis, see Kuldeep Nayar and Khushwant Singh, *Tragedy of Punjab* (New Delhi: Vision Books, 1984); and M. Tully and S. Jacob, *Amritsar: Mrs Gandhi's Last Battle* (London: Jonathan Cape, 1985).

25. It needs to be emphasized that the ninth, 11th, and 12th Lok Sabhas led by the non-Congress coalition's had a greater representation of agriculturists, while those led by the Congress had a greater representation of industrialists and businessmen.

26. The first being in the 1970s.

27. Yogendra Yadav, 'The Elusive Mandate of 2004', *Economic and Political Weekly*, vol. XXXIX, no. 51, 18 December 2004, p. 5384.

28. Ibid.

29. See Zoya Hasan, 'Representation and Redistribution: The New Lower Caste Politics of North India', in Francine R. Frankel, Zoya Hasan, and Rajeev Bhargava (eds), *Transforming India: Social and Political Dynamics of Democracy* (New Delhi: Oxford University Press, 2000), pp. 146–75.

30. The term 'community' is used in a broad sense here to denote a social group which feels that it has much in common, demarcating it from similar other units. Such

an ascription is often accompanied with normative, political, and sociological strivings in relation to its members on the one hand, and other communities and social groups on the other.

31. See Sanjay Kumar and Alistair Macmillan, 'Caste Matters but so do a Whole Lot of Other Things', *The Hindu*, 7 May 2004.

32. Yogendra Yadav, 'The New Congress Voter', *Seminar*, 526, June 2003, pp. 64–70.

33. Yogendra Yadav, 'The Elusive Mandate of 2004', *Economic and Political Weekly*, vol. XXXIX, no. 51, 18–24 December 2004, p. 5391.

34. Sudha Pai, *State Politics: New Dimensions* (New Delhi: Shipra, 2000). For the electoral gains of the BSP, see Pushpendra, 'Dalit Assertions Through Electoral Politics', in Ghanshyam Shah (ed.), *Dalit Identity and Politics* (New Delhi: Sage, 2001), pp. 311–39. Also see Vivek Kumar, *India's Roaring Revolution: Dalit Assertion and New Horizons* (New Delhi: Gagandeep, 2006).

35. See Abhay Kumar Dubey, 'Anatomy of a Dalit Power Player: A Study of Kanshi Ram', in Ghanshyam Shah (ed.), *Dalit Identity and Politics*, pp. 288–310.

36. See E. Sridharan, 'The Origins of the Electoral Systems: Rules, Representation, and Power Sharing in India's Democracy', in Zoya Hasan, E. Sridharan, and R. Sudarshan (eds), *India's Living Constitution* (New Delhi: Permanent Black, 2002).

37. Neerja Gopal Jayal, 'A Malevolent Embrace? The BJP and Muslims in the Parliamentary Elections of 2004', *India Review*, vol. 3, no. 3, 2004.

38. Balveer Arora, 'The Indian Parliament and Democracy', in Ajay K. Mehra and Gert W. Kweck (eds), *The Indian Parliament: A Comparative Analysis* (New Delhi: Konark, 2003), p. 18.

39. Yadav, 'The Elusive Mandate', pp. 5388–91.

40. Arora, 'The Indian Parliament and Democracy', p. 23.

41. Ibid., pp. 34–5 for 1999; for 2004, see www.eci.gov.in.

42. This happens even in such parties as the CPI (M) when, in spite of the avowed position of the party, its state leadership pursues programmes at odds with it.

43. Yadav, 'The Elusive Mandate', p. 5384.

44. Ibid., p. 5383.

45. The term caste-bloc is used to refer to a grouping of castes, sharing a set of common interests, that has remained stable politically even with the passage of time. Caste-blocs are prone to close ranks as voters. Political parties in India have tended to nurture and even promote caste-blocs to ensure a secure voting base.

46. See Subrata Mitra, *The Puzzle of India's Governance, Culture, Context and Comparative Theory* (London: Routledge, 2006), pp. 195–8.

47. Ibid., p. 198.

48. The insinuation of Parliamentarianism is vividly manifest in the episode of the expulsion of Somnath Chatterjee from the CPI (M) in July 2008 in the wake of the trust vote against the government on the issue of the nuclear agreement with the United States. Somnath Chatterjee refused to toe the party line of opposition to the nuclear deal and even presided over the vote of confidence discussion in the House, claiming that as Speaker he had to be neutral to the issue in contention. The neutrality that he was invoking was a central principle of Parliamentary democracy than that of Marxist ideology.

49. Somnath Chatterjee, 'Dr Ambedkar Memorial Lecture on Law and Social Change', delivered at the Aligarh Muslim University, Aligarh, 24 February 2007.

50. See Somnath Chatterjee, Keynote Address on 'Parliamentary Democracy in India', Ministry of Social Justice and Empowerment (to mark the birth centenary of Late Jagjivan Ram), New Delhi, 30 May 2007.

51. See B.D. Graham, *Hindu Nationalism and Indian Politics: The Origins and Development of the Bharatiya Jana Sangh* (Cambridge: Cambridge University Press, 1990); and Christophe Jaffrelot, *The Hindu Nationalist Movement and Indian Politics 1925 to the 1990s* (New Delhi: Penguin, 1993).

52. For the early formulations of this position by the Communist Party of India (Marxist-Leninist) [CPI (M-L)], see Samar Sen, Debabrata Panda, and Ashish Lahiri (eds), *Naxalbari and After: A Frontier Anthology*, vols I and II (Calcutta: Kathashilpa, 1977–8).

6 Parliament–Judiciary Relationship

OVER THE YEARS the relation between the Parliament and Judiciary in India has marked a unique journey quite different from other countries, particularly the United Kingdom and the United States, which provided the initial ground for this relation. The way the Indian Judiciary has come to understand its role as an organ of government and define its relation to the Parliament is distinctive in several ways.[1] This chapter traces the process of the crafting of the relation between the Parliament and the Judiciary and the contentions central to this process. The relation between these two institutions has been crucial in assigning the place and position of numerous public institutions in India and it revolves around a key number of issues. The latter are critically reviewed in this chapter. The Judiciary is a highly differentiated institutional complex with distinct traditions and legacies and levels of autonomy. In this chapter, when we employ the term Judiciary or Court it primarily applies to the Supreme Court, unless explicitly stated otherwise.

CONTENTION ON SPHERES OF AUTHORITY

There are two contentious positions on this relation: the first upholds the primacy of Judiciary and the other, that of the Parliament, charting a long-drawn debate on the issue of separation of powers.[2] The first position has been spelled out by Granville Austin as follows:

> A written constitution as a nation's foundation document is not only law but also a 'law above the law', for other laws should be in consonant with it. Therefore, it seems that a judicial body, the supreme court of the land, is the logical, primary custodian for that constitution; its interpreter and guardian. The Supreme Court in India seems admirably suited for this role. Despite occasional self-inflicted wounds, the Court has been the bastion of the Constitution. Parliament enjoys the authority to amend the

Constitution. The Court has the authority to measure amendments against the basic structure doctrine.[3]

The second position was stated by Jawaharlal Nehru in the Constituent Assembly as follows:

> Within limits no judge and no Supreme Court can make itself a third chamber [of the legislature]. No Supreme Court and no judiciary can stand in judgment over the sovereign will of Parliament representing the will of the entire community. If we go wrong here and there, it can point it out but in the ultimate analysis, where the future of the community is concerned, no judiciary can come in the way. And if it comes in the way, ultimately the whole Constitution is a creature of Parliament.[4]

The contention embedded in the relations between these institutions was anticipated in the *Constituent Assembly Debates* (*CAD*) and voiced by B.R. Ambedkar in the following words:

> We are therefore placed in two difficult positions. One is to give the judiciary the authority to sit in judgment over the will of the legislature and to question the law made by the legislature on the ground that it is not good law, in consonance with fundamental principles. Is that a desirable principle? The second position is that the legislature ought to be trusted not to make bad laws. It is very difficult to come to any definite conclusion. There are dangers on both sides. For myself I cannot altogether omit the possibility of a legislature packed by party men making laws which may abrogate or violate what we regard as certain fundamental principles affecting the life and liberty of an individual. At the same time, I do not see how five or six gentlemen sitting in the Federal or Supreme Court examining laws made by the legislature and by dint of their own individual conscience or their bias or their prejudice be trusted to determine which law is good and which law is bad.[5]

The issue of spheres of authority between the Parliament and the Supreme Court surfaced within a few months of the promulgation of the Constitution, and has been termed by Austin as 'the struggle for custody of the Constitution'.[6] Jawaharlal Nehru saw the Parliament as spearheading the social revolution as embodied in the Directive Principles of State Policy and Fundamental Rights.[7] On the other hand, the Chief Justice of India said at the inauguration of the Supreme Court that it must be 'quite untouched by the legislature or the executive authority in the performance of its duties'.[8]

The government, conscious of its overwhelming Parliamentary majority and inheriting the mantle of the national movement, initiated a series of moves bearing on personal liberty, Backward Classes, land, and property relations in pursuit of its objectives. The Court found that some of these moves violated the provisions of the Constitution—in the name of pursuit of some good, the constitutional rights of citizens were violated. The Supreme Court ruled the Madras General Order[9] as unconstitutional, in response to which the First Amendment to the Constitution was enacted. This amendment interestingly

introduced the Ninth Schedule as well, which placed certain laws beyond the purview of judicial review. While Nehru defended an independent judiciary, he also said that it is not the authority to decide 'high political, social or economic or other questions. It is for Parliament to decide the laws we have'.[10] However, what constituted these 'high' issues and how they were to be spelled out remained a major issue of contestation.

The Primacy of the Parliament

The primacy of Parliament was a broadly accepted issue in the first few years after independence. Although there were notes of disagreement, there was no adequate reflection to make it a coherent position. In *A.K. Goplan* v. *State of Madras*, the Supreme Court remarked,

> In India the position of the judiciary is somewhere in between the Courts in England and the United States. Our constitution, unlike the American Constitution, does not recognise the absolute supremacy of the Court over the legislative authority in all respects, for outside the restricted field of constitutional limitations our Parliament and the State legislature are supreme in their respective fields and in that wider field there is no scope for the Court in India to play the role of the Supreme Court of United States.[11]

This judgement adopted the interpretation that each Article of the Constitution had to be construed separately and the phrase 'procedure established by law' meant procedure laid down by the Legislature in a statute. There was a broad agreement that the courts were not at liberty to declare an Act void because in their opinion it opposed an unexpressed spirit of the Constitution.[12] It is also important to note the ideological perspective that infused the higher echelons of the Judiciary at this stage. The early Chief Justices such as S.R. Das and P.B. Gajendragadkar showed sensitivity to the welfare policies of the state and to Nehruvian democratic socialism.

This issue can be illustrated through the case of *Shankari Prasad* v. *Union of India*. The demands of the peasantry and other oppressed sections were quite integral to the national movement in India. Following independence, a series of laws came to be enacted favouring these demands. Zamindari abolition laws were passed in Bihar, Uttar Pradesh, and Madhya Pradesh. These laws were challenged by the landlords who claimed that they violated their fundamental rights, particularly on the issue of equality under Article 14 and on grounds of compensation. While the Bihar law was struck down, those of Uttar Pradesh and Madhya Pradesh were upheld by their respective courts. When appeals were made to the Supreme Court, the Parliament passed the Constitution (First Amendment) Act, 1951 which introduced Articles 31-A and 31-B, and inserted the Ninth Schedule into the Constitution. Article 31-A stated that laws providing for acquisition of estates shall not be deemed

void on grounds that they violate Articles 14 and 19. Article 31-B stipulated that none of the Acts and regulations specified in the Ninth Schedule shall be considered void on grounds that they violate the provisions contained in the chapter on Fundamental Rights. In the case of *Shankari Prasad* v. *Union of India*, the Supreme Court reviewed the First Amendment on an appeal by aggrieved landholders. Article 13(2), which prohibited the state from making laws violating fundamental rights, became the basis of such appeals. The Supreme Court set aside these appeals and held that there was a clear distinction between ordinary law made in exercise of legislative power and constitutional law made in exercise of constituent power, as specified in Article 368. The terms of Article 368 were general and empowered Parliament to amend the Constitution without any exception whatsoever which meant Article 13(2) cannot be used against Article 368.

Following the decision of the Supreme Court in 1954 of fair and adequate compensation,[13] the Constitution (Fourth Amendment) Act was passed which distinguished between those cases deserving compensation and those not, and declaring the amount of compensation as non-justiciable. This Amendment was not challenged in Court and its validity came up only in the *Golak Nath* case in 1967. From 1951 to 1967 a large number of Acts were included in the Ninth Schedule and when they were challenged in 1964,[14] the Court still upheld by a majority the government's position in the *Shankari Prasad* case, advancing the justification that if the case was reopened, then the Acts placed in the Ninth Schedule and the other constitutional amendments related to them would be jeopardized.[15] Even at this stage, though, there was no consensus. Justice Hidayatullah and Justice Mudholkar differed with the majority in the *Shankari Prasad* case. Hidayatullah, while conceding that amendments to the Constitution are excluded from the meaning of law in Article 13(2), argued that restricting Fundamental Rights under Article 19 is different from rendering them inconsequential or removing them from the Constitution. Justice Mudholkar, in a way anticipating the basic structure doctrine of *Keshavanand Bharati*, argued:

> We may also have to bear in mind the fact that ours is a written constitution. The Constituent Assembly which was the repository of sovereignty could well have created a sovereign Parliament on the British model. But instead it enacted a written constitution, created three organs of state, made the Union Executive responsible to the Parliament, and State Executive to the State Legislature, erected a federal structure and distributed legislative power between Parliament and State Legislatures, recognised certain rights as fundamental and provided for their enforcement … Above all, it formulated a solemn and dignified preamble which appears to be an epitome of the basic features of the Constitution. Can it not be said that these are indicia of the intention of the Constituent Assembly to give permanency to the basic features of the Constitution?[16]

The Case of the Judiciary

The contestation on spheres of authority, which favoured the Parliament in the first 15 years after the first elections to the Lok Sabha, underwent serious reversal from the late 1960s. This anticipated the debate on this issue in the 1970s and became a major factor that shaped the relation between the Executive and Parliament in subsequent years. In the *Golak Nath* case (1967) some of the issues that had been smouldering in this relation came to a head for the first time. This case was heard by a bench of 11 judges to consider the power of the Parliament to amend the Fundamental Rights. This was done by invoking Article 368, which dealt with the amending of the powers of Parliament, vis-à-vis Article 13, which prevented the state from making any law that took away or abridged the Fundamental Rights. Six of the judges held that Article 368 could not override the specific provisions of Article 13(2) and Parliament could not take away or abridge the rights mentioned therein. The Court, however, made the application of this judgement effective subsequently.[17]

The *Keshavanand Bharati* case was to be the watershed in the relation between the Executive and the Judiciary on this issue. In the judgement delivered on 24th April 1973, the Supreme Court upheld the power of the Parliament to amend the Constitution while it also announced the doctrine of basic structure of the Constitution and its power to review the amendments. The Court was not merely marking a space for itself but was claiming the authority to adjudge the limits of the jurisdiction of the Parliament, leading some commentators to say that through this judgement the Supreme Court was rewriting the Constitution itself. [18] While there were different emphases on what constituted the basic structure, its basic outline can be gleaned from the different judgements. Chief Justice Sikri observed:

> The basic structure may be said to consist of the following features: (i) Supremacy of the constitution, (ii) Republican and democratic form of government, (iii) Secular character of the constitution, (iv) Separation of powers between the legislature, the executive and the judiciary, (v) federal character of the constitution. The above structure is built on the basic foundation, i.e., the dignity and freedom of the individual. This is of supreme importance. This cannot by any form of amendment be destroyed.[19]

Justices Shelat and Grover while considering this list as fairly representative, added other elements, such as sovereignty of the country, the unity and integrity of the nation, the dignity of the individual secured by the rights enumerated in Chapter III, and the mandate to form a welfare state contained in Part IV of the Constitution.[20] Justice Hegde and Mukherjea located them in the Preamble of the Constitution.[21] Justice Jaganmohan Reddy said, 'A sovereign democratic republic, parliamentary democracy, the three organs of the State, certainly, in my view, constitute the basic structure',[22] while Justice Khanna

said that democratic form of government, secular character of the state, and possibly judicial review were part of the basic structure of the Constitution.[23]

It was in the *Keshavanand Bharati* case that some of the best arguments in defence of judicial review of the amending power of the Parliament under Article 368 and against the overriding claims of the powers of the Parliament came to be formulated.

The Court declared that the Preamble underlines the kind of polity and society envisaged by the Constitution. But are not the concepts such as democracy, republic, justice, liberty, fraternity, etc., employed in the Preamble vague? Against such a query often made from several quarters, the Court declared that it was not correct to say that what is difficult to decide does not exist at all. It argued that if powers of amendment conferred on the Parliament by Article 368 are absolute, then it can change even the 'Sovereign Democratic Republic' attributes of the polity stated in the Preamble into something else. If it is impermissible then the Court has the right to look into the constructions employed by the Parliament under the powers conferred on it. Justice S.M. Sikri said in his judgement that if Parliament has unlimited powers, 'Article 368 can itself be amended to make the constitution completely flexible and extremely rigid and unamendable. If this so, a political party with a two-third majority in Parliament for a [period of] five years, could so amend the constitution as to debar any other party from functioning, establish totalitarianism, enslave the people, and, after having effected those purposes, make the constitution unamendable or extremely rigid'.[24] It could appropriate the judicial powers to itself and make it impossible to seek judicial remedies as elaborated in Article 32, which Ambedkar described as the very soul of the Constitution.[25] Justice Sikri further argued that the Preamble confers sovereignty on the people. Parliament as the law making body possesses only those powers which are conferred on it and cannot claim itself as sovereign. For, no matter how representative it is, it cannot be equated with the people, particularly when the Constitution contains a bill of rights.

Justices K.S. Hegde and A.K. Mukherjea invoked the principle of contradiction to shore up their argument against the absolute powers of the Parliament: 'One cannot legally use the Constitution to destroy itself... If all the basic features of the constitution and some other provisions inconsistent with those features are incorporated, it cannot still remain the constitution referred to in Article 368'.[26] They also drew attention to the limitation of the majoritarian principle and made a sharp distinction between the people and Parliament, terming the latter 'a body constituted under the constitution'. Even a two-thirds majority in Parliament may not represent a majority of the population. Further a majority of the Parliament needed to make constitutional changes need not include minorities. If it claims absolute powers it is likely to endanger their rights. Claim to Parliamentary supremacy may affect the

rights and obligations of other constitutional functionaries: if a constitutional amendment leads to the undermining of the Constitution itself and the President signs such amendments, he would be going against his oath to protect the Constitution. They further argued that political parties contest elections with a complex package of messages which need not aggregate into a single voice. Therefore even if a party gets two-thirds majority, it cannot be presumed that it has the mandate to alter the Constitution. Besides people have little control over detailed law making. It is possible for the ruling party to make important constitutional changes even after it has lost the confidence of the majority of the electorate, given the fact that elections occur once in five years. If absolute powers are conferred on the Parliament, it can amend the Constitution and prolong its own life and thereby go against the wishes of the people. A power that can be used against the people cannot be the power of the people.[27] The Supreme Court stated that the Constituent Assembly did not agree to the amendment of H.V. Kamath which, if carried out, would have bestowed unlimited powers of amendment on the Parliament.[28] The Court, however, did not see its position as being opposed to social legislation or to welfare policies. As per the Court socio-economic change should be secured while preserving the dignity and freedom of the individual and the democratic structure that the Constitution has set up.[29]

The Court upheld the basic structure formulated in the *Keshavanand Bharati* case doctrine even in some of the most difficult circumstances, although not every judge necessarily alluded to specific details of the doctrine. In *Indira Gandhi* v. *Raj Narain*, a five judge bench set aside the 39th Amendment, three of the judges explicitly claiming that it violated the basic structure of the Constitution. Even those who have been critical of the Court's approach in the *Golak Nath* case in declaring the inviolability of Fundamental Rights became the supporters of *Keshavanand Bharati* case.[30] It has been argued, 'In *Keshavanand,* the Court assured for itself, a new and impregnable role in the constitutional politics of India. In enunciating the "basic structure" doctrine and placing judicially created impediments on the plenary power to amend the Constitution, the Court made it clear that whatever the intention of the Constitution makers to evolve a democratic system of checks and balances, the final say belonged to the judges'.[31]

While most of the arguments of the Court about the limitations of the power of the Parliament, particularly in the Indian context, were in place, there were several lacunae in the arguments of the Court. It said little about why the limitations of the Parliament should necessarily put the Court in the driver's seat. The Court could come round to play the Parliament whose unbridled powers it was apprehensive of. The old argument advanced by Ambedkar was still pertinent. What makes a few people, however wise they may be, the ultimate arbitrators of what is right and wrong, correct and incorrect, in an age where

a 'true' rendering of the text has been cast into abundant doubt? There were several arguments that showed the Parliament in poor light. Take for instance, the argument of the possible loss of majority support with the lapse of time, even though initially a party or group of parties elicited such support, that Justices Hegde and Mukherjea advanced. Any kind of representative system, let alone parliamentary, that ensures political stability would become impossible if this argument was taken seriously. In the judgement the basic features of the Constitution which are foundational to any representative polity were mixed with several other features that were not so. In fact the Court failed not merely in not demarcating what constituted the basic features, but also in not indicating the criteria on the basis of which the basic features can be distinguished from the non-basic. In the absence of such criteria, the decisions and pronouncements of the Courts could be wholly arbitrary.

Reaffirming the Supremacy of the Parliament: The Shrill Tones of the 1970s

The contestation on relative primacy intensified following the *Keshavanand Bharati* case, the growing intolerance of Indira Gandhi's regime towards institutional and political differences, and the emergence of other centres of power and influence. To an extent, the Communist alliance with the Congress contributed towards the issue as they carried with them the idea of Soviets as the supreme and integral organs of power. The idea of the Soviets in a way was transferred by them to the conception of the Indian Parliament.[32] The debate in the Lok Sabha provides some evidence in this regard.

In the fifth Lok Sabha, the ruling party supported by its ally the Communist Party of India (CPI) spoke of the sovereignty of the Parliament. This issue was reiterated following the judgement of the Allahabad High Court setting aside the election of Indira Gandhi for adopting unfair means. The 'Election Law (Amendment) Bill' proposed that the validity or invalidity of an election to Parliament would be decided by the President on the advice of the Election Commissioner. The amendment was clearly aimed to exonerate Indira Gandhi, the Prime Minister, from the charges levelled against her by the Allahabad High Court. Mohan Dharia (Indian National Congress [INC], Poona) who was one of the few to raise his voice against this amendment said, 'There is no doubt in my mind that the Bill in the amended form has been brought forward in the house by the Law Minister to circumvent those issues which have been held by the High Court in favour of the petitioner and against the Prime Minister. Similarly all possible care is taken to take away the powers of the Supreme Court in deciding this matter on merits.[33] The Speaker interrupted him, 'Don't attribute motives to Parliament … Parliament is supreme'.[34] When Dharia did not budge Indrajit Gupta (CPI, Midnapore) supported the Bill: 'Mr Speaker, Sir, whether any particular individual at a particular

moment will derive any advantage or benefit from these amendments or not, does not affect in any way, the actual merit of the amendments'.[35] He continued, 'The Parliament represents the sovereign will of the people. We have seen, time without number, in the past that matters which have been decided by this Parliament, which have been legislated by this Parliament, are completely overthrown by the will of some judge sitting in a court somewhere'.[36] Making a case for whittling down the powers of the Judiciary, he said, 'About taking away the Supreme Court's power, well, I am all for taking away the Supreme Court's powers in many things, and I think more things will come. I am not prepared to put the Supreme Court on a pedestal. The Parliament is supreme. Otherwise say good bye to democracy'.[37] H.K. Gokhale, Minister of Law, endorsing the stand of Gupta said, 'It is not necessary to remind the house of the number of occasions on which this Parliament has acted to establish the sovereignty and supremacy which it always has and which I assert it will continue to have in the future'.[38]. It is interesting to note that on the following day, 6 August 1975, Bhupesh Gupta (CPI, Rajya Sabha) said in the Rajya Sabha, 'Is it a joke that the prime minister of a country was sought to be removed from office and debarred from contesting an election because of what a single judge said in one of the High Courts of the country … Are we ready to give such powers in the hands of a judge? It is not a question of Prime Minister alone. It goes to the root of sovereignty of Parliament, of legislative institutions'.[39]

On 7 August, when the Government tried to rush through the 39th Amendment Bill, the same language of sovereignty was repeated. It stipulated that the election of the President, the Vice President, the Speaker, and the Prime Minister will not be questioned in a court of law. One of the members (Aravinda Bala Pajanor, All India Anna Dravida Munnetra Kazhagam [AIADMK], Pondicherry) defending the provisions of the Bill said, 'Parliament is the supreme authority and we are the law making authority. Nobody can question it … But the Parliament is represented by whom? By the Prime Minister who holds the majority, who speaks for the majority and for the nation.'[40] On the following day, in the Rajya Sabha, Bhupesh Gupta claimed that the Bill was morally and legally justiciable: 'I would like to justify that it is morally justifiable because underlying the amendment is the basic concept that the persons holding these four high offices who have been elected by a vast majority of the people and who represent the people at large and are occupying these positions by virtue of the electoral mandate, cannot be displaced by any authority which is an outside authority like the judicial authority, may be the Supreme court or the High Court, or for that matter, any other authority.'[41]

The 42nd Amendment was the high point of the assertion of the supremacy of the Parliament vis-à-vis the Judiciary. On 25 October 1976, Law Minister H.R. Gokhale rose to move the Bill stating the objective of the amendment as, 'to bring about a socio-economic revolution in the country'[42] and identifying

the Judiciary as the main hurdle so far in bringing it about. He also attacked the doctrine of 'basic features' that the Supreme Court had declared in the *Keshavanand Bharati* case. He said to the Lok Sabha, 'We do not know what the basic features are. I think we should not lose any time once and for all, in stating, categorically and unambiguously, that there is no question of anything like basic features, about which they themselves do not know what they are. But so far as what the Parliament regards as basic for the purpose of making changes is concerned, there can be no impediment in the way of Parliament to amend any provision of the constitution.'[43] Indrajit Gupta supported the Minister, saying, 'In fact, our Party has been pressing for a long time that the constitution requires to be amended, to be radically amended, precisely in order to facilitate the advance that we all want towards a better and more equitable society, towards the achievement of socio-economic reforms in the interest of the vast majority of the people.'[44] He reiterated his conviction, that, 'the right of this Parliament to amend the constitution is supreme and unchallengeable'.[45] Others, such as Priyaranjan Das Munshi (INC, West Bengal), joined the chorus in reiterating the supremacy of the Parliament.

On 26 October 1976, Sardar Swaran Singh who was in charge of suggesting constitutional changes squarely accused the courts of distorting the balance between the Parliament and Judiciary. 'Unfortunately the courts transgressed the limits prescribed for them. They did not have the authority to examine the constitutional validity of acts amending the Constitution, and they arrogated to themselves the jurisdiction and the authority to go into the constitutional validity of constitutional amendments.'[46] He further said, 'All that we are doing is tell them: leave us to amend the constitution; leave us to add new words to the constitution. You confine your activity only to interpret what is in the constitution and do not bring in other concepts which are ethereal.'[47] And he restated what was by now the familiar rhythm: 'So far as the supremacy of the Parliament is concerned, I think it is axiomatic.'[48]

Prime Minister Indira Gandhi added her voice to these arguments the next day:

> Various theories, as to what constitutes the core of our constitution, have been put forward. Some say fundamental rights, others, the Directive Principles Chapter. Yet others think it is judicial review. A doctrine of constitutional supremacy has been propounded. The true supremacy is that of the people. While the constitution is a very important document, it is but an instrument to serve the people. The constitution exists for the people.[49]

And then she repeated the familiar refrain, 'We have always maintained that Parliament has an unfettered, unqualified and unabridgeable right to amend the constitution.'[50]

On 28 October, Law Minister H.R. Gokhale said that the amendment was meant to protect the courts from themselves: 'We are really trying to save them

from the temptation of intruding into powers which do not belong to them ... it is really to enable the judges to save themselves from this temptation—to save them from themselves.'[51]

Following Emergency and the enforcement of the Maintenance of Internal Security Act (MISA), several pleas were made for judicial review of detention orders under Article 226. In an appeal by the state, the Supreme Court in a majority decision in the *ADM, Jabalpur* case invoked the *Makhan Singh* case of 1962, and said that during the proclamation of Emergency the right of any person to move any court for the enforcement of the rights conferred under Article 21 and Article 22 remained suspended. Only Justice Khanna differed and opined that even in the absence of Article 21, the state has no power to deprive a person of his life and liberty without the authority of law. He argued that without the sanctity of life and liberty, the distinction between lawless society and one governed by law would cease to have any meaning. *ADM, Jabalpur* was clearly an instance of the Judiciary being under the shadows of the Executive; but what was surprising was the speed with which the pendulum reversed.

The Reassertion of the Judiciary

The period 1977–2007 is known as the period of judicial activism.[52] From the primacy of the Parliament doctrine that was such a pronounced feature during the Emergency, the pendulum swung towards the Judiciary following the elections of 1977. One of the first announcement of the then Acting President B.D. Jatti after the elections was for 'a comprehensive measure ... to amend the constitution to restore the balance between the people and Parliament, Parliament and Judiciary, the Judiciary and the Executive, the states and the centre, the citizen and government.'[53] In the *Maneka Gandhi* case, the Court upheld the principle of 'due process of law' when Justice Bhagwati pronounced that the procedure established by law in Article 21 must satisfy the test of being 'just, fair and reasonable' as expressed in Article 14. The Court reasserted the limits of the authority of the Parliament as formulated in the *Keshavanand Bharati* case. The *Minerva Mills* case illustrates the reiteration of the Court's stand formulated in *Keshavanand Bharati* case. It was in the former case in 1980 that the Supreme Court struck down those amendments made to Article 368 which had conferred on the Parliament unlimited powers and denied judicial review of amendments. The case pertained to the Sick Textiles Undertakings (Nationalization) Act, 1974 which was placed in the Ninth Schedule under the protective cover of Article 31 B. Articles 368(4) and 368(5) which were introduced through the 42nd Amendment placed the provisions of the Act beyond the purview of judicial review. The government's plea at the time when the constitutionality of the Act came for hearing was that Articles 368(4)

and 368(5) should be read alongside the basic structure doctrine. The Court invoking the principle of contradiction argued that 'Provisions of this nature cannot be saved by reading into them words and intendment of a diametrically opposite meaning and content'. It rejected the amendments as they were not in tune with the *Keshavanand Bharati* case while it upheld the limitations on the Parliament's power to amend the Constitution. In this context, Justice Y.V. Chandrachud argued, 'Since the Constitution had conferred a limited amending power on the Parliament, the Parliament cannot under the exercise of that limited power enlarge that very power into an absolute power. Indeed, a limited amending power is one of the basic features of our Constitution and therefore, the limitations of that power cannot be destroyed'. Justice P.N. Bhagwati concurring with this view said, 'Now, if by constitutional amendment, Parliament were granted unlimited power of amendment, it would cease to be an authority under the Constitution, but would become supreme over it, because it would have power to alter the entire Constitution'.[54] In *Waman Rao* v. *Union of India*, the Court declared that any amendment to the Constitution after *Keshavanand Bharati,* which included laws placed in the Ninth Schedule, would have to be tested by reference to the *basic structure.* In this case the Court upheld that laws passed for giving effect to Directive Principles under Article 39(b) and (c), dealing with social and economic equality, did not weaken the basic structure but strengthened it. It thereby placed the conflict between the Parliament and Judiciary, if any, not on the issue of equality and liberties but on other grounds. This stand of the Judiciary was to eventually become the mainstay of the Court's wisdom in subsequent years.

Rearticulation of the Relation in 1990s

In the 1990s the Supreme Court searched for an enduring basis to circumscribe the range of powers of different organs. It moved from basic structure to their implications and consequences and attempted to formulate a political philosophy to sustain the basic structure doctrine. In the *Nagaraj* case, this orientation was formulated as follows:

> There are, beyond the words of particular provisions, systematic principles underlying and connecting the provisions of the constitution. These principles give credence to the Constitution and make it an organic whole. These principles are part of constitutional law even if they are not expressly stated in the form of rules…The point which is important to be noted is that principles of federalism, secularism, reasonableness and socialism, etc., are beyond the words of a particular provision. They are systematic and structural principles underlying and connecting various provisions of the Constitution. They give coherence to the Constitution. They make the Constitution an organic whole.[55]

Through pronouncements such as these the Court increasingly attempted to occupy the moral high ground bringing political philosophy centrally to bear on its stand.

At the same time, however, the role of the judges to pronounce on high principles has not gone unquestioned. It is not unusual for judges to take up strong ideological positions such as those favouring socialism or Hindutva and sometimes they are driven to pronounce judgements in favour of a specific policy.[56] In some of these instances the hiatus between principles and judicial pronouncements has been glaringly visible. There have been judges who have commented on their inadequate preparedness while delivering their judgements accepting their frailties and limitations.[57] Who will judge the judges? This has been a natural reaction in such instances.

The inability of the Judiciary to define its domain has sometimes made it to stray into the domain of legislation. In the *Vishaka* case, the Supreme Court, confronted with the persistent problem of sexual harassment at the workplace, issued several directions and *virtually enacted a law* on sexual harassment. The judgement emphasized that it was temporary until suitable legislation was enacted in this regard. But the way the Judiciary was marking its space such intrusions did not seem to be an isolated incident. It was almost like judicial legislation.

If judges have come to occupy a space where 'Angels Fear to Tread,'[58] there are critics who question such developments. Many feel that the *Second Judges* case judgement should be rolled back. By that judgement the higher Judiciary so interpreted Article 124 of the Constitution as to confer on itself the right to appoint its members. A special bench of nine judges of the Supreme Court held that the Chief Justice should have primacy in the appointment of Supreme Court and High Court judges and in the transfer of the latter. In 2006, through a unanimous judgement, a nine-member constitutional bench of the Supreme Court held that Parliament has no right to bar judicial scrutiny of laws put in the Ninth Schedule, for the apex Court is constitutionally mandated to find out if they violated the Fundamental Rights and basic structure of the Constitution. The Court argued that the Constitution is the basis of the three instruments, Legislature, Executive, and Judiciary. While the Legislature can pass laws, it cannot undermine its very basis. The interventions of the Judiciary in such instances have led to whittling down the domain of the Parliament in substantive respects.

In this context it may not be out of place to ask whether it is desirable in a post-colonial democratic polity for the Supreme Court to set itself up as a self-directing agency for a billion of their countrymen. The way it has defined its authority does not seem to acknowledge any other, unless certified by it. 'Ultimately judicial restraint based on the Court's own view of its area of competence and effectiveness becomes the only check on the exercise of

judicial power'.[59] The basic structure doctrine rests upon a distrust of the democratic process, which itself cannot but be regarded as the basic feature. Therefore there are people who suggest that 'The basic structure doctrine has served a certain purpose; it has warned a fledgling democracy of the perils of brute majoritarianism. Those days however are gone. The doctrine must now be buried.'[60]

There are, however, many who do not think that the public reason that democracy can mount can stand up to hard cases, particularly given the contentions rampant in a complex polity such as India. An authoritative agency is needed to propose and arbitrate over contentious principles. Further, they feel that the Court has employed the basic structure doctrine 'with maximum restraint and that power remains as an ultimate counter-majoritarian check upon democracy.' Such an understanding of democracy, however, will imply that democracy itself is not able to prioritize contentious claims of rights, liberties, and dissent and may attempt to install a version of a good that the majority endorses. Here we are in a grey area: majoritarianism can pose a threat to minorities, to rights, and rule of law. But how would a Court defend rights, liberties, and rule of law when the majority is arraigned against it? And if the former has such powers, what prevents it from employing the same to install its own version of good against democracy?[61]

JUDICIARY IN DEFENCE OF THE PARLIAMENT AND VICE VERSA

It cannot be construed that the Parliament and Judiciary have always been in confrontation. Generally, they have had an excellent working relationship which has done much for the institutionalization of democracy in India. Even in difficult cases, their readiness to cooperate with each other has informed their relation as much as the stand-off between them. In the 1950s, the Supreme Court made a distinction between ordinary law and constitutional law and gave a wide berth to the former even if changes in it affected certain core aspects of the constitution. This provided the space for the Executive to enact a huge body of laws including those in the Ninth Schedule that were placed beyond the purview of the Judiciary. We have referred to the camaraderie, in a way, that existed between the Parliament and the Judiciary in the early years after independence.

While the contention between the Parliament and Judiciary came to a head in the 1970s, it is important not to overplay the antagonism between the two, ignoring other aspects of the relation. Right from the beginning there was no doubt among the bulk of the members of the higher Judiciary that, let alone law and order and development, even issues of justice, impartiality, and rights cannot be pursued without foregrounding the role of the Parliament quite centrally. The Judiciary was full of appreciation for the public

responsibility that the Parliament had come to assume and the discernment it displayed in this regard. There were several judgements which defended the relative spheres of power of the Judiciary and the Parliament, including emergency powers. While the Judiciary advanced the doctrine of the basic features of the Constitution, it also rallied to protect the amending powers of the Parliament by qualifying Article 13 of the Constitution with Article 368. Justice Khanna argued in the *Keshavanand Bharati* case that the Parliament has the power to amend every article of the Constitution including those dealing with Fundamental Rights, although while doing so the basic structure of the Constitution should not be affected.[62] He stated that, 'it would not be a correct approach to start with a distrust in the people's representatives in the Parliament and to assume that the majority of them would have an aversion for the liberties of the people and would act against the public interest.' Just because the Parliament has the power to amend, it cannot be assumed that it would be exercised without restraint. According to him, 'The possibility that power of amendment may be abused furnishes no ground for denial of its existence.'[63]

The Court rallied in support of the Parliament at certain critical junctures, and without such support the crisis in hand would have exacerbated or prolonged with deleterious consequences. The support of the Court to the Parliament on what the Court regarded as the basic principles was a major highlight of the relation between the Parliament and the Judiciary in the 1990s. On certain crucial issues that divided the polity such as elections and election process, secularism, democracy, federalism, rule of law, rights, welfare and development, and institutional relations of governance, particularly at the higher levels, the Court rallied behind the Parliament and helped to resolve conflicts or contained their debilitating reach and spread. In the *Babri Masjid–Ram Janmabhoomi* case, for instance, while the Supreme Court refused to intervene into areas that did not pertain to it and respectfully refused to answer references made to it with regard to several issues, it did 'something significant. It gained time; it gained time for the government and this the government desperately needed.'[64] The Court did not permit *shilanyas* on the land adjacent to the site of the demolished Babri Masjid.[65]

The Court has deployed great hermeneutic resources to defend certain laws as expressions of principles although the consonance of such laws with principles was in grave doubt. Sometimes the Court has resorted to the interpretation of a law by invoking the principle that underlines it, although some of the possible implications of the law, as formally stated, were found at great variance with it. This technique of statutory construction of law resorts to saving a law instead of striking it down as unconstitutional.[66] We can see it demonstrated in *Daniel Latiff* v. *India*, the case cited in the previous sentence, where the five-judge bench held that issues such as basic human rights,

culture, dignity, decency of life, and pursuit of social justice should be considered on grounds other than religion or religious faith.[67]

The Court has extended positive support to Parliamentary reforms which public opinion felt were long overdue. The Supreme Court upheld the termination of the membership of 11 Members of Parliament (MPs) in December 2005 by the Lok Sabha, recognizing the power of the Parliament in this regard on 10 January 2007. The MPs were expelled for charging money to ask questions raised on the floor of the House. The Constitution bench judgement upheld by 4:1 that under Article 105, the Parliament had the power of expulsion. However, the Supreme Court also held that the actions of the Parliament are subject to judicial review and no blanket immunity can be claimed in all instances.

Apart from the relation of the Parliament to the Judiciary there are other institutional relations that have been defined by the Judiciary, partly drawing on the unwritten constitutional law of England, strongly entrenching a Parliamentary system in India. The Court has rallied to defend Parliamentary democracy against attempts by rival claimants for the place. The Constitution did not explicitly say initially that the President was bound by the advice of the Council of Ministers, while it was the case as far as the King/Queen of England was concerned. President Rajendra Prasad sought a clarification in this regard from the Supreme Court which declared that the President is 'a formal or constitutional head of the executive and the real executive powers are vested in the Ministers or the cabinet.'[68] In one of its judgements the Court said that the President is bound to act according to the advice of the Council of Ministers,[69] thereby reinforcing the idea of primacy of the Parliament vis-à-vis the Presidency.

The Court has also made a subtle distinction between the Parliament and the Executive. The Court has tended to suggest to the Executive that decisions particularly bearing on issues related to the basic structures, such as the invocation of Article 356, should be explicitly verified by the Parliament. In the *Bommai* case, for instance, the Court ruled that the imposition of President's rule in a state has to be endorsed by both the Houses of the Legislature.

The pronouncements of higher Judiciary have left enough room for the crafting of alternatives including those against the majority judgements themselves. These in-built differences have often provided means for the Parliament to wriggle itself out from difficult situations by advancing credible reasons, although majority judgements may not have endorsed them. It is important for us to note that judicial pronouncements are spread across a range and there are several judgements which contest the majority judgements and advance alternative positions. There are judges who have strongly held the view that there are no enduring principles that underline the Constitution and therefore there is no reason to place provisions infused by these principles beyond the purview

of the Parliament. Judges such as A.N. Ray, Chinnappa Reddy among others have not accepted the doctrine of a basic structure and considered such an understanding as wooly and vague. Such prevarications and in-built contestations have led to changes in the stances of the Judiciary over time or invocation of one principle rather than another to defend measures of the Parliament or the Executive. For instance, the Judiciary had often upheld federalism as one of the basic features of the Constitution. However, when the Janata Party came to power and dismissed several state governments the measure was defended on the plea of democracy.[70]

Public opinion in India is much more favourably disposed towards the fairness of the Judiciary in comparison to that of the Parliament. The public has tended to go along with the judgement of the higher Judiciary relative to the stand of the Parliament. This has benefited the Parliament enormously letting it pursue several socio-economic measures opposed by a powerful section of the general populace but endorsed by the Judiciary. For example, the agitation against OBC reservation recommended by Mandal Commission subsided after the Supreme Court endorsed it by a majority in *Indira Sawhney* v. *Union of India* case. Scholars such as Arun Shourie criticize the Supreme Court for reposing too much trust in the Parliament which he regards as 'perilous'. His advice to the Judiciary is to act independently of the Parliament and not to prevaricate in this regard.[71] But there is no evidence to suggest that the Supreme Court has fallen to such a bait.

The judgements of the Court and its overall stand have tended to justify a specific version of democracy in India, constitutional democracy with constitutional morality underlining it. Such a conception of democracy has been complementary to the development of liberal constitutionalism in India. While constitutional democracy is irreducible to liberal constitutionalism, the former has largely grown on the soil of the latter. The Parliament has not thrown up a consistent and principled alternative in this regard. In its absence, the Judiciary has fallen back on liberal constitutionalism to defend constitutional democracy. The sociological predisposition of the Judiciary towards liberal constitutionalism has not played any less a role in this regard.

MAJOR ISSUES OF CONFLICT

Spheres of Authority

Apart from the differing stances on the ultimate say on constitutional law that we discussed earlier, conflict has arisen between the Parliament and the Judiciary on several discrete issues pertaining to the scope of their respective authority and the mode of their constitution and reconstitution. With regard to the former, one contentious issue has been whether the Parliament can

overturn the decisions made by the Supreme Court. The Court has held that the Parliament has the power to pass a law rejecting its interpretation of a statute but it cannot pass a law to override the interpretation of a constitutional provision adopted by the Court except by amending the Constitution. But the amendment powers have to respect the basic structure of the Constitution. Further, while the Court has shown a great deal of deference to the authority of the President, judicial review has highly circumscribed the discretionary powers of this office. The Court has held that even the President's powers to pardon a person sentenced to death or to commute a sentence or to grant reprieve are subject to judicial review.[72] There have been an umpteen number of conflicts arising from this issue. Accusations of intrusion into the sphere of the other are galore.[73] The Court has increasingly intruded in the policy domain without the wherewithal either to ensure the implementation of the suggested policy or monitor the process of its implementation. In *All India Judges Association* v. *Union of India*, the Supreme Court issued directions to the government to create an All-India judicial service to ensure uniform service conditions to members of the subordinate judiciary,[74] a directive that is yet to be implemented. From the 1980s onwards, the Court has increasingly assumed to itself the role of being the guardian of the rule of law. The Courts have been favourably disposed to public interest litigations, which in turn have raised questions of governance. In several instances the Courts have issued *mandamus* and sometimes directly ordered public institutions such as the Central Bureau of Investigation (CBI) to investigate issues. They have sought explanations from municipal corporations on public health and safety.[75] They have stipulated the limits of public action. The Communist Party of India (Marxist) [CPI (M)] had to appeal to the Supreme Court against a judgement of the Kerala High Court that declared *bandhs* as violating the right to freedom of movement guaranteed under Article 19(1) and the right to personal liberty under Article 21. The Supreme Court reaffirmed the decision of the High Court.[76]

In recent years, particularly in the last two decades, the Court has increasingly asserted itself as self-constituting authority. Prior to it the government had played a major role in the appointment of judges. In the name of the independence of the Judiciary, the Supreme Court has claimed that the Chief Justice of India and a collegium of judges will have the final say in the appointment and transfer of judges. In *S.P. Gupta* v. *President of India*, popularly known as the *First Judges Case*, the Court was asked to decide the legality of transfer of judges and to specify the procedure of appointment of judges of the High Courts and Supreme Court. The majority judgement in this case pronounced that no appointment of any judge to the Supreme Court or any High Court can be made unless it is in conformity with the opinion of the Chief Justice of India. It further held that the opinion of the Chief Justice 'has not mere primacy but as determinative' in the matter of transfers of High Court judges and

Chief Justices and the consent of the transferee is not required. The same question came up before the Court in 1993 at the instance of the *Lawyer's Association* and later through a Presidential reference. By the 1993 decision, the *Second Judges Case*, the Court vested power of appointment of judges in the collegium of judges consisting of the Chief Justice of India and two senior judges of the Supreme Court. By the opinion given in reference under Article 143, the *Third Judges Case*, the Court increased the collegium to four senior judges of the Supreme Court instead of two.

The Court has attempted to resist the indirect control of the Parliament within the scope of its own powers. In 1985, the Administrative Tribunals Act was passed under Article 323A. It was challenged on the ground, among others, that it took away the judicial power which was a basic feature of the Constitution. The Court, however, without challenging Article 323A suggested changes in the Act to make the tribunals effective alternative institutions to the High Courts. However, when the Supreme Court was flooded with special leave petitions against the decisions of the tribunals, in *Chandra Kumar*,[77] it examined the validity of Article 323A and held that the exclusion of the jurisdiction of the High Courts violated the principle of judicial review and directed that decisions of the tribunals were subject to the writ jurisdictions of the High Courts. In *P. Satyamurthy* v. *State of AP*,[78] the Court employed the basic structure doctrine to invalidate Article 371(D) (5) which gave power to the state governments to modify or annul the orders of the Administrative Tribunals.[79]

It has been argued that 'Giving finality to the judges is as bad as giving finality to the government.'[80] There seems to be much wisdom in the suggestion of the National Commission to Review the Working of the Constitution (NCRWC) to create a body consisting of the representatives of the government, the opposition as well as the judiciary for the purpose of appointing the judges. Contention on the respective domains, however, is likely to persist in one form or another given the principles of appeal.

Secularism and Religious Belonging

It is not merely the Parliament that has been divided on this issue but the Court has been prevaricating too. While there has been an overlapping in their respective positions at times, such is not the case generally and the reasons advanced in justification of their respective positions have been at great variance. Sometimes discord between them has been in the open leading a section of each in these institutions to collude with the other. However, there are also instances of great deference to the stand each has taken and mutual learning.

The issue of secularism is enormously complicated in India. The Constitution upholds three essential conditions of secularism: (*a*) the state shall have

no religion;[81] (*b*) there shall be no discrimination on the ground of religion;[82] and (*c*) the individual shall have freedom to practice, profess, and propagate religion.[83] It has not provided for the strict separation between state and the church as is found, for instance in the United States. The Constitution provides for the rights of the minorities to conserve their identity. While the state in India has no religion it is not hostile to religion and the state is not forbidden to help religious activities just because they are religious. While the imparting of religious instruction in educational institutions run by the state directly is forbidden, religious instruction in an educational institution run by an endowment or trust, even though aided by the state is not forbidden, provided it is not compulsory.

It has been suggested that the record of the Court on secularism is not consistent.[84] While in the *Bommai* case it has upheld secularism as the basic feature of the Constitution, it has not come forward to support social reform against orthodoxy and sometimes has displayed gullibility towards communalism. The concept of religion that the Court has taken overboard sometimes could be construed as fomenting mischief rather than providing a solution. In *Aruna Roy* v. *India* which involved the issue of incorporation of the study of religion in National Council of Educational Research and Training (NCERT)[85] texts, the concern whether it could accord with secularism came to be centrally highlighted. In this instance, the Court held that Article 28 forbade religious instruction but not education of religion which is an independent subject of study. But Justice M.B. Shah went further to say, 'Religion is the foundation for value-based survival of human beings in a civilized society. The force and sanction behind civilized society depends upon moral values',[86] and Justice Dharmadhikari declared, 'In a society wedded to secularism, "study of religions" would strengthen the concept of secularism in its true spirit.'[87] This conflation of religion and moral values, and knowledge of religion as *ipso facto* cultivating moral disposition and sensitivities were deeply contentious stances, particularly given the context of the BJP-led government of the time.

However, from few such instances, one cannot rush to the conclusion that the Supreme Court generally deferred to the state plenipotentiaries of the time. Following the post-Godhra communal riots when Muslims became the target of attack and widespread collusion of state agencies came to be documented, the BJP, the then ruling party in Gujarat, wanted to hold elections ostensibly to cash in on passions which were still smouldering. There was a communal majoritarianism still intact in the state and the state government, by invoking the provision of Article 174(1) which stipulates that there should not be a gap of more than six months in the sessions of the Legislature, wanted to hold the polls immediately. The Election Commission felt that it may not be possible to hold free and fair elections. On a Presidential reference the Supreme

Court held that the mandate of Article 174(1) applied only to two sessions of a continuing legislature but not in the instance of a dissolved Legislature and upheld the powers of the Election Commission under Article 324 with regard to the superintendence, direction, and control of elections as final.[88] This judgement was definitely not in tune with the wishes of the ruling majority.

It may be worth mentioning here that the Court has displayed a special sensitivity to keep the moral reins in its hands and has often seen the Parliament as made of the contingent, and susceptible to the passions of times. But the Court has not been a reliable guide, let alone being consistent, with regard to the nature of this moral domain and the kind of yardstick to be employed while engaging with conflicting moral claims. Confronted with such dilemmas the Court has oscillated from citing authority of the religious texts to upholding the principles laid down in the Constitution.

Minority Rights

Minorities and their rights have been a central issue in the deliberations of the Parliament and this issue has often been one of the most tortuous and controversial in the relation between the Parliament and Judiciary. As mentioned earlier, the Court has often seen itself as the moral guardian of the constitutional order and the Parliament as interest or power, almost duplicating the distinction between *Brahma* and *Kshatra*, a distinction central to the early conception of authority in India.[89] The moral stance assumed by the Court has often made it highly predisposed towards protection of minority rights, but not necessarily in favour of the rights of discrete members within such groupings. From the *In Re: Kerala Education Bill* 1958, 'the Court has consistently held that the minorities' right under Article 30 must not be subject to the social control to which other educational institutions are subject.'[90] The Courts have therefore held the rights of religious minorities as distinct and to be construed as harmoniously with other Fundamental Rights, by giving equal weight to them. If it was to read them together with the proviso of secularism as the basic feature, the results would have been different and much more conducive to social reform.

The Court, however, has defined the minority not on what is taught in an institution or the language of students attending it, but on the basis of the religious and linguistic affiliation and belonging of the management. Sometimes it has led to the confusing Articles 25 to 28 that deal with 'Right to Freedom of Religion' with the provisions of Article 19 that upholds freedom to carry on trade and business. If religious and charitable institutions impart secular education, to what extent are they entitled to be considered activities essential for the reproduction of the minority identity? The response of the Court to such a query has been not very satisfactory. While in *St Stephen's College* v. *University*

of Delhi the Court held that the ceiling for the minorities concerned should not exceed 50 per cent, the Court itself has not held on to the principle in such judgements as *T.M.A. Pai Foundation* v. *Karnataka.*[91]. In the *Pai Foundation* case, the Court held that a right granted to the minority is also available to the majority.

In *Sarla Mudgal* v. *India*, the issue of people changing their religion in order to enter into polygamous wedlock came up, involving conversion to Islam. In this case Justice Kuldip Singh issued a notice to the government seeking an explanation why it has not taken any steps for enacting a uniform civil code.[92] There was the un-stated reason that the existence of a separate personal law is prone to the temptation of the 'two nation theory'. However, the Court has not pursued this line of reasoning on this issue subsequently.

The Court has been the bulwark against the assimilative schemes of state governments to bring minority institutions within the ever increasing control of state regulations. In the process, the Courts have played the role of not confining minority institutions exclusively to members of minorities, as in the *Bombay Educational Society* case,[93] nor allowed them to be assimilated within a uniform regulatory framework for all schools.[94] In the Presidential reference with regard to the latter, the Court has pointed out that no educational institution in modern times can afford to survive without state support and the price of it should not be the surrender of constitutional rights.

However, even though, and by and large, the minorities had the Courts as their allies, there has been an alternative view that

> The Supreme Court's approach to minority rights and institutions has been far from being consistent. Beginning with a far greater sensitivity in favour of these rights in the early years, it has gradually permitted extensive regulatory ingresses into the working of minority institutions … this ingress has been spurred on for ideological reasons and a somewhat myopic view that minority institutions should play a less autonomous role in matters of education; that all persons must join a particular assimilationist version of the mainstream of Indian life. [95]

Religion, Worship, and Social Reform

Issues related to religion, worship, and social reform have brought the Parliament and Judiciary together on a common platform as well as led to intermittent conflict between them. As in the case of minority rights, the Court has handled the broader domain of group rights with a great deal of dexterity. The Constitution delegitimized the hold of the religious and minority group life on democratic governance but kept alive the possibility of political mobilization along caste and religious lines. At the same time it did not ignore the continued hold of traditional life based on culture, language, and religion. It endorsed, by and large, the idea that group life must yield to the demands

of public order, health and morality, and the larger commitments to social welfare and reform. It was also deeply sensitive to the situation of multiple and overlapping disadvantages and constitutional amendments have reflected this concern.

However, it has not been easy to reconcile always the conflicting norms and concerns nor fuse an agreement between the Parliament and Judiciary on appropriate measures to be adopted in this regard. While the Court has permitted incursions into and regulation of the economic, social, and other secular practices associated with religion, it has not permitted incursions on what it regarded as 'essential practices' associated with religion. In the process, Courts have sometimes arrogated to themselves the authority to determine which tenets of a faith are 'essential' and emphatically underscored their power to strike down those tenets that are in conflict with the dispensation of the Constitution.[96] In fact laying down the framework of a shared public life with deference to the autonomy of group life was shaped from early on, when the judges were accused of being reactionary and 'purloining the Constitution'.[97]

Minority rights in India are closely related to religious affiliation and the concern for social reform mounted against the existing practices. The Court has generally tended to defend minority rights even against measures adopted by the state to provide egalitarian education. While sometimes the Court has pronounced on the extent of defence of tradition by restricting the use of temples and places of worship to some castes, at times it has called for throwing open temples to all sections of Hindus.[98] The Court has drawn a distinction between secular affairs associated with religion which can be regulated by the state and matters essential to a religion, although in the process it has often tended to defend established practices against the reformers.[99]

Equality in one respect may conceal other inequalities in the religious sphere. The Kerala High Court, for instance, has held that the words 'all classes and sections of Hindus' in Article 25 (2) (b) mean those classes and sections that were prevented from entering the temple because of their caste and did not include women.[100] In this a constitutional provision that is centrally geared to ensure social reform has been interpreted to protect gender-based discrimination and has strengthened orthodoxy.[101]

Democracy versus Rights

While the government has been concerned about political stability, the Court definitely has a better record on defending rights. Referring to the Preventive Detention Act that was challenged in the *Gopalan* case as far back as the 1950s, the celebrated journalist Inder Malhotra says, 'the mainstream view of the political class, vigorously pressed by Sardar Patel and quietly shared by Jawaharlal Nehru, was that in Indian conditions preventive detention was an

unfortunate necessity if Indian democracy was to be saved from "disruption, subversion and destruction", in Patel's words while introducing the PDA in the provisional Parliament'.[102] Political stability, however, has not been the first virtue with the Court. While the Court has upheld limitations on rights on grounds of other rights, it has been very circumspect with regard to interference in the domain of rights on other considerations. It has seen curbs on rights such as preventive detention as 'a necessary evil but as essentially an evil. Therefore the deprivation of personal liberty, if at all, has to be on the strict terms of the constitution, nothing less.'[103]

While the Parliament has tended to defend itself vis-à-vis the Court in the name of democracy, the Court has tried to appropriate the space of rights. However, there are exceptions; one of the blots that has always haunted the Judiciary has been its judgement in *A.D.M. Jabalpur* v. *Shiv Kant Shukla* case popularly known as the *Fundamental Rights Case*. The question that came up before the Court was the status of life and liberty on the one hand and rule of law on the other. It was held by a majority of four against one that the basic principle of rule of law that a person cannot be divested of his liberty unless he has committed a breach of the law did not hold well during the proclamation of the Emergency. The Constitution (44th Amendment) Act, 1978, however, upheld the provisions of Articles 20 and 21, even under the proclamation of the Emergency under Article 352.[104] In the post-Emergency era, however, the stance of the Court has been to formulate a wider and more inclusive interpretation of fundamental rights so as to maximize the rights of people particularly of the disadvantaged sections, elaborate a context of rights, and facilitate access to courts by relaxing its technical rules of locus standi for the enforcement of human rights. For the purpose, the Court has seen constitutional expressions as open-textured, susceptible to further elaboration, and not strictly confined to the letter of the law. In *Francis Coralie Mullin* v. *Administrator Union Territory of Delhi,* Justice Bhagwati said, 'A constitutional provision must be construed, not in a narrow and constricted sense, but in a wide and liberal manner so as to anticipate and take account of changing conditions and purposes so that the constitutional provision does not get atrophied or fossilised but remains flexible enough to meet the newly emerging problems and challenges.'[105]

While suppleness and the need to unpack constitutional provisions have found widespread acceptance, the problem has been the extent to which judicial imagination of rights can be extended. In this sense, the Court has often assumed contradictory postures. The Court has established a new relationship across justiciable rights, declared certain rights found in the Directive Principles such as the rights to education, shelter, and childhood as fundamental, and has incorporated certain rights enumerated in the Directive Principles as Fundamental Rights, such as right to life and personal liberty, and made

them enforceable. Further it has created a new category of non-enforceable Fundamental Rights. The question has been whether the Judiciary can create new rights that require positive action in terms of allocation of resources. In this context it has been argued that judicial activism cannot be a substitute for legislative action.

One of the significant issues where the activism of the Supreme Court is manifest is on the environment. The Court has made it clear that petitions against environmental pollution caused by private industrial units were not so much against the environmental units as such as against the union of India, the state government, and the pollution control boards established under the Environmental Protection Act, 1986. The failure to perform statutory duties violates the rights of the residents to life and liberty guaranteed under Article 21.[106] The Court has by and large not interfered with the economic policy pursued by the state but environmental considerations have brought it quite to the centre stage in qualifying developmental considerations. The Court, however, has limited its jurisdiction to the consideration of all relevant factors without directly involving itself with the pursuit and implementation of policies.

While the Constitution does not uphold freedom of the press, the Supreme Court has held in several judgements that freedom of the press is integral to the freedom of expression.[107] The Court therefore has generally run foul with the Parliament whenever freedom of expression has been curtailed. It resulted in the Constitution (First Amendment) Act, 1951 that substituted Article 19(2), empowering the state to impose reasonable restrictions on the exercise of the right to freedom with regard to a determinate set of interests such as security of the state. The courts, however, have declared that any restriction of freedom must be with the authority of law and for specified reasons. The Court has also been highly circumspect on censorship. When censorship ran riot during the Emergency, several courts passed judgements censuring the provisions.[108] The Court has upheld restraint with regard to the content of motion pictures and their exhibition. However, its stand in this regard has been that 'The standards that we set for our censors must make a substantial allowance in favour of freedom.'[109] The law of contempt, however, has not been a respecter of truth. If in the name of transparency and truth motives are attributed to the Judiciary, and even if this motivation is established as correct, such action cannot be a defence against contempt.

In spite of their attempts to conceal their actions from public glare, both the Parliament and Judiciary have allowed themselves to be exposed to public scrutiny more and more.[110] In the first 20 years of the life of the Parliament following the Parliamentary Proceedings (Protection of Publication) Act, 1956, proceedings of the Parliament could be published and no one could be charged for such activity done in good faith. During the Emergency this act

was repealed but the privilege was restored by the Parliamentary Proceedings (Protection of Publication) Act, 1977. The right to know has been upheld by the Court in the *S.P. Gupta* case.[111] The Court has argued that transparency and accountability of government can be ensured only on that basis and that it enables citizens to make intelligent and informed choices.

Right to Property

In the early days of independence the Supreme Court resorted to judicial review of legislative decisions by invoking the provisions of the Fundamental Rights. In the *Kameshwar Singh* case the provisions of Section 4(b) of the Bihar Land Reforms Act was struck down on the ground that the power of 'eminent domain' did not justify the acquisition. Section 23(f) of the Bihar Land Reforms Act too was struck down on the ground that it unjustly deprived the landlords of the compensation due to them. There were amendments to the property-related clauses of the Constitution and the insertion of Ninth Schedule to overcome these and other restraints on the Court that have been discussed earlier. But conflict on property-related issues persisted between the Parliament and the Courts. In the *Bank Nationalization* case of 1969 and in overruling the concerned act on grounds of determination of compensation, the Court made the right to property the cornerstone of freedom. The ordinance of abolition of privy purses was similarly declared as a violation of the right to property. The *Golak Nath* case, the *Bank Nationalization* case, and the *Privy purses Abolition* case were to become important issues for the dissolution of the Parliament, and its power to amend the Constitution an important consideration in the elections of 1971.

While the 44th Constitutional Amendment, 1978 deleted the right to property from the Fundamental Rights, the issue has been far too caught up with other rights and moral claims. Article 300-A asserts that no one shall be deprived of his property except by authority of 'law'. But 'law' has to be fair and not discriminatory. In the process all the issues that came to be foreclosed by the deletion of the right to property as a Fundamental Right can be resuscitated by the provision.

The Land Acquisition Act, 1894 gave power to the state to acquire property for a public purpose, under the principle of eminent domain, on payment of compensation. The state is the sole authority to decide whether an acquisition is for a public purpose and what this constitutes. Further the state decides the extent of compensation to be paid.[112] But the provisions of this Act may not be uni-directional. They may affect the poor as well, making their holdings more precarious and a life revolving around land destroyed. What is the basis of deciding different types of compensation? What is the basis of treating different property interests differently? Can some property inter-

ests alone be guillotined in the name of social justice? These have remained important considerations that have not been resolved. In a series of judgements in the 1980s, the Court argued that taking over of property in the name of the people need not necessarily be taking it over for their benefit. In the *B.L. Wadhera* v. *India* case the Court declared, 'The court cannot remain a silent spectator where people's property is being usurped for the personal leisure and pleasure of some individuals under the self-created legal, protective umbrella and in the name of Trust.'[113] Similarly, the Court has held that taking over land and disposing it off at a very high price and in the process depriving the people of its benefits is unacceptable.[114] The Court's interventions on this issue have highlighted that the right to property does not oscillate between private property at one pole and public ownership and nationalization at the other, but other criteria such as substantive equality, dignity, right to life, and so on, intervene radically qualifying such polarities in context.

The Supreme Court has not generally come in the way of extensive regulation of trade, industry, and business in the name of the welfare state. The Court has upheld restrictions to trade and business enacted by the Legislature because according to it 'the legislature understands and appreciates the need of the people' and the laws it enacts are directed to engage with problems that are 'manifest by experience'.[115] In the view of the Court, state monopoly in respect of any trade or business is a reasonable restriction on the right to carry on trade and business. Judicial restraints on property matters have continued even after the state adopted the policy of liberalization. The Court has also interpreted the value, 'socialism', in the Preamble of the Constitution in a liberal way, distinguishing it from scientific socialism and relating it to the provisions of Directive Principles of State Policy.

Considerations on Equality

Some of the most enduring conflicts between the Parliament and the Judiciary have arisen with regard to considerations on equality. Over time, and in spite of a manifest back and forth tendency, the Court has tended to be in favour of social equality and upheld provisions of social justice while decrying populism in this regard. The apex Court has pronounced in two important decisions that the reservation clause is not an exception to the equality of opportunity provision but is a component of the dynamic equality embodied in it.[116] On gender justice, courts have upheld equality for women unless there were other rights in conflict, attacked prejudices, and unequal considerations and discrimination on grounds of gender. The Court has actively employed provisions such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)[117] to reformulate the concept of gender equality.[118] Overall, the Court and the Parliament have quarrelled little on this. Generally,

provisions of equality applied to women have been worked out in an undifferentiated manner.[119] The complex regime of preferential considerations formulated in response to caste discrimination in which cooperation and conflict have been endemic between the Parliament and Judiciary have few parallels with regard to gender equality.[120]

Courts have extended a creative interpretation of law to equality provisions in certain areas. They have come to relate right to equality to right to privacy which has been seen as the right closely bound to personal liberty.[121] Discrimination in educational opportunities has been an issue of major contention although sometimes the Courts have veered round populism and ideological consideration. In 1984, in *Pradeep Jain* v. *India* the Court ruled that all-India competitive entrance tests must be held for selecting students for admission to super-speciality courses and reservation for local students should be limited. The Court invoked the argument of national integration for the purpose.[122] The Court has also related right to education with other rights. In *Mohini Jain* v. *State of Karnataka* the Supreme Court held that the right to education was a fundamental right, being part of the right to live and Justice Kuldeep Singh asked the state to provide opportunities for education by opening as many institutions as might be required for satisfying the need of all those who aspired to acquire education.[123] However, in *Unni Krishnan* v. *Andhra Pradesh* the Supreme Court limited such a demand to primary education.[124] On capitation-based higher education, however, the Court has shown much prevarication, oscillating between social justice, considerations of merit, and resource constraints. However, the Court has generally held on to the argument that economic conditions of the students should not be the sole basis for the allocation of 'free seats' and 'payment seats'.[125]

Preferential Policy

Preferential policy in India is grounded, by and large, on the principle of equality and has been one of the major planks of state policy to help better the conditions of socially and educationally backward social groups in India. One of the principles that the Court has zealously guarded is that those who are extended preferential consideration or reservation should not exceed 50 per cent of the total opportunities available. The Parliament has not been very comfortable with this benchmark in some cases. The Court's rationale has been that reservation in excess of 50 per cent will deeply compromise the equal rights of others. Justice Gajendragadkar first formulated this position in *Balaji* v. *Mysore*. The *Balaji* case also declared that although caste may be one of the factors used for identifying who is backward, it shall not be the sole criterion. The Court has reiterated these criteria including in the *Indira Sawhney* v. *India* case.[126]

Some of the most important clashes between the Judiciary and the Parliament in India have occurred with regard to preferential measures: they include the extent of reservation, mode of reservation, criteria employed to bring a social group under reservation, classes included and excluded within the ambit of reservation, levels of reservation facilities available to the reserved as well as the unreserved, and so on. In the Mandal or *Indira Sawhney* v. *India* case, a nine-judge bench was constituted to consider conflicting judgements by earlier benches. The majority held that reservation can be provided for other classes under Article 16(1) and Article 16(4) was not an exception to the former. It held that caste in India is very often a social class and economic criteria cannot be the sole basis for determining a Backward Class. There cannot be reservation for the poor even under Article 16(1). Reservation cannot exceed 50 per cent unless a special case is made for it. The 'backward' could include the more 'backward' and the 'creamy layer' should be excluded from it. Reservations could only be for the initial appointment and not for promotion but the existing provisions should continue for five more years.[127] Article 16 (4A) in Chapter III was introduced given the ruling of the Court that reservation for Backward Classes should be confined to initial appointments and should not extend to promotions. However, soon after this amendment, the Supreme Court held that even if reservations could be allowed in promotions, seniority could not be granted to a person thus promoted, once the general candidate 'caught up' with him or her in the promoted post. To offset the implication of this ruling, Article 16(4A) was further amended to grant consequential seniority to a person promoted under the reserved quota. Preference in the view of the Court has to be measured by the standard of equality and cannot ignore or undermine it.

Often the Court has highlighted the missing links in the policy of reservation. In the case of OBC reservation in institutions of higher learning,[128] the Court had highlighted the following objections:

1. The government was not in possession of the requisite data to suggest 27 per cent reservation to OBCs.
2. Provisions were not made to eliminate the 'creamy layer' in the proposed Bill.
3. Slippery language was employed by the Government which seemed to convey that issues pertaining to Scheduled Castes (SCs), Scheduled Tribes (STs), and OBCs are interchangeable.[129]

That the Court was clear on this issue was quite evident when in this case and subsequently the Court opposed arbitrary choices without adequate and defensible evidence and asserted rule of law. It opposed inclusion of the 'creamy layer' within the ambit of reservation as it would violate equality of citizens.

Further, it continued to maintain that the case of reservation in positions and benefits to SCs and STs is different from that of OBCs.

The division of labour proposed by the Court between itself and Parliament, whereby constitutionalism and rights will rest with the Judiciary while public policy will be in the keeping of the Parliament, has provoked reactions from the Parliament. For instance, the critical stance adopted by the Judiciary on the issue of reservation to Backward Classes in higher education made Somnath Chatterjee, the Speaker of the Lok Sabha (2004–9) challenge the credentials of the Court to be the protector of rights and constitutionalism. He argued that the Judiciary succumbed during Emergency (1975–7) when the rights of the people were wantonly violated. It was the Parliament which took the initiative to restore the rights of the people and reinstated rule of law.[130] While Chatterjee's charge is highly exaggerated and the pusillanimity ascribed to the Judiciary is not justified, the distinction between the Parliament and the Executive that he suggested holds out great promise shifting the contention from the dual axis of Parliament versus Judiciary to a triangular axis of Parliament, the Executive, and the Judiciary.

The Province of Representation

As the institution of representation, most of the Parliament's key functions can be explained and justified on this ground. However, the Court has undermined the exclusive standing of the Parliament with regard to representation in certain important respects. In the (*first*) *Judges case* the Supreme Court argued,

> Where a legal wrong or a legal injury is caused to a person or to a determinate class of persons by reason of violation or any constitutional or legal right or any burden is imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or legal burden is threatened and such person or determinate class of persons is by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Court for any relief, any member of the public can maintain an application for an appropriate direction, order or writ in the High Court under Art 226 and in case of breach of any fundamental right of such person or class of persons, in this Court under Article 32 seeking judicial redress for the legal wrong or injury caused to such person or determinate class of persons.[131]

In the cases mentioned, the Court entertains any member of the public acting in a bona fide manner to espouse the cause of such a person or class of persons. Non-political, non-profit, and voluntary organizations which have sufficient interest can maintain an action for judicial redress for public injury arising out of breach of public duty or violation of some provisions of the

Constitution. Lawyers, medical practitioners, journalists, and non-governmental organizations have acted in such a representative capacity.[132]

The cases set apart for such representation by the Court are of a strong moral nature such as bonded labour, neglected children, petitions from prisoners, petitions against the police, petitions against atrocities on women, children, and SCs and STs. They also include environmental matters, adulteration of drugs and food, maintenance of heritage and culture, and other matters of public importance. However, the threshold on these matters has remained elastic raising huge questions about the limits of such representation.[133] The Court has appointed commissions to gather facts in such cases, to propose remedial relief, and monitor its implementation.[134] A Public Interest Litigation (PIL) petitioner has been held by the Court as the representative of a public cause and not primarily of a personal interest.[135] The moral stance adopted by the Court in PIL cases becomes clear when we see its emphasis on the non-adversarial character of such litigations.[136]

The Court has expanded the concept of locus standi in cases of PILs. The interpretation of the locus standi, that is the criterion regarding the eligibility of a person to invoke the jurisdiction of the courts, has seriously affected the doctrine of representation. The traditional rules of the locus standi position were designed essentially for adjudication of disputes between private parties. Given the shift of focus in PIL from dispute to illegality, the issue of locus standi has undergone enormous change. The Supreme Court has facilitated access by '1. entertaining letters from persons interested in opposing illegal acts; 2. allowing social activist organizations or individuals to take up cudgels on behalf of the poor and disadvantaged sections who possessed neither knowledge nor resources for pursuing the legal process; and 3. permitting citizens to speak on behalf of a large unorganized but silent majority against bad governance, wrong development, or environmental degradation.'[137] The Court has included within the purview of justiciability several issues of governance that were not included in traditional notions of justiciability. A decision under a PIL is binding not merely on the concerned parties but all those similarly situated. These decisions therefore have overt legislative characteristics, making the Court the resort of social activists.

During the first phase of PIL in the late 1970s—the years following the Emergency—emphasis was on the human rights of the weaker sections which included prisoners, bonded labour, unorganized labour, and women in protective homes. However, in the second phase, from the late 1980s onwards, emphasis shifted to the environment. PIL has also been employed as a 'counter-majoritarian check on democracy for the support of unpopular causes and the protection of politically powerless minorities'.[138] In its activist role the Court has attempted to convert several unwritten moral codes of Parliamentary democracy into positive injunctions. In the process, 'The Court

has clearly entered into areas that traditionally did not belong to it and ought to be the concern of the legislature and the executive.'[139] The Court, however, has justified its role as supplementary and had said that it was inevitable on its part to take on such responsibility because 'no law existed to deal with the situation ... and that its direction could be replaced by legislation of the legislature.'[140] However, Courts have few resources and competence to pursue a task of this kind in the longer run and the legislation, if there be ever one, might not be in tune with their choice.

On Federal Powers

Article 356 dealing with President's rule in states has been invoked numerous times and been an affront to the federal character of India. Its use calls into question the elective principle of legitimacy of power, where an elected government at one level dismisses another elected government at another level.

Article 355 enunciates the duty of the union Government of India to ensure that every state government is carried on in accordance with the provisions of the Constitution. Article 356 enumerates the remedial measures to be taken if it cannot be done. It provides that if the President, on receipt of a report from the Governor or otherwise, deems that the government of the state cannot be carried on in accordance with the provisions of the Constitution, the President may, by proclamation (*a*) assume to himself the Executive powers of the state, and (*b*) declare that the powers of the Legislature of the state shall be exercisable by or under the authority of the Parliament. In this regard the powers of the Governor are clearly discretionary. The proclamation has to be ratified within two months by both Houses of Parliament. If the Lok Sabha is dissolved, the proclamation ceases to operate at the end of 30 days after the reconstitution of the Lok Sabha, unless it is ratified by the reconstituted Lok Sabha. A proclamation unless revoked will cease to operate on the expiration of a period of six months from the date of issue of the proclamation. Six monthly extensions by Parliament are permitted under some conditions certified by the Election Commission.

The first use of the Article was in Punjab on 20 June 1954. The most frequent reasons for the invocation of the Article has been no confidence motion against the Council of Ministers, resignation of the Chief Minister, break up of coalitions and defections from one party to another, public agitations, and emergence at the centre of a party other than the one in power in the state. The most extensive use of the provisions of this Article was after 1967 and during the 1970s; it came down drastically in the 1990s. Till the Emergency, the Supreme Court did not intervene in the invocation of Article 356 and the check of Parliament was largely a ritual and the Court saw the President's satisfaction as 'non-justiciable'. In 1977, the Supreme Court opened the door

slightly for judicial review on limited grounds of *ultra vires* and *mala fide*.[141] When the Janata Party became victorious in 1977, it imposed President's rule in nine states: Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Orissa, Punjab, Rajasthan, Uttar Pradesh, and West Bengal. In *State of Rajasthan* v. *Union of India* the Court did not declare the action taken as invalid. It made the satisfaction of the President in accordance with Article 356(1) final and conclusive and it was not to be questioned by any court on any ground.[142]

When the Congress Party came to power in 1980, it imposed President's rule in Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, and Uttar Pradesh. The Sarkaria Commission, however, stated categorically that dismissal of a state government on the ground that the ruling party had lost the Lok sabha elections was clearly wrong.[143] It was in *S.R. Bommai* v. *India*[144] that the Supreme Court, by a majority of six judges against three, held that the President's satisfaction under Article 356 was justiciable, that is, the Court will decide whether the decision was in accordance with the Constitution or not. The Court now interpreted the provision to say, 'If the situation is one in which a solution other than the imposition of President's rule can be worked out, then such a solution should be explored. It follows, therefore, that departure from one or other article of the Constitution cannot be ground enough; the totality of the situation should be such that in the absence of the President's rule the governance of the state cannot be carried out in accordance with the Constitution.'[145] In this case the Court held that it could look into the material leading to the President's satisfaction and such satisfaction was not perverse or *mala fide* or on extraneous and irrelevant considerations. In this context, the Court distinguished between the advice that the Council of Ministers render to the President that excludes inquiry under Article 74(2) and 'the material' basis of such advice. Specifically the Bommai judgement established two principles while invoking Article 356: 1. the insistence on the floor test and 2. the non-dissolution of the Assembly prior to ratification by the Parliament. Pending the Parliamentary approval the Assembly can be placed in suspended animation. If the Parliament disapproves the promulgation, it lapses at the end of the two-month period. In such a case a government that was dismissed revives and the Legislative Assembly that was suspended can be reactivated. Since the proclamation is not retrospectively invalidated the acts done, the orders made, and laws passed in the interim period remain valid.

While the *Bommai* judgement can be read as curtailing the power of Parliament, it can also be seen as suggesting a complex relation between institutions. Keeping the Assembly under suspended animation was one of the ways of strengthening Parliamentary control. One of the important aspects of the *Bommai* judgement was the space that it provided to the President to distance himself from the advice of the Council of Ministers by returning the proposal

for reconsideration. In the era of coalition politics the fear of the President not approving the proposal or the Supreme Court turning it down can chastise a partner bent upon bringing down an adversarial ruling party in the state. In 2005, for instance, the Supreme Court held the Presidential order dissolving the Bihar Assembly as unconstitutional.

The Ninth Schedule

The Ninth Schedule contains a large number of laws declared as non-justiciable that are purportedly meant to provide teeth to the socio-economic vision underlined in the Constitution. In 2006, through a unanimous judgement a nine-member constitutional bench of the Supreme Court upheld that Parliament has no right to bar judicial scrutiny of laws put in the Ninth Schedule, for the apex Court is constitutionally mandated to find out if they violated the Fundamental Rights and basic structure of the Constitution. This judgement has been hailed as historic on one hand and interfering in the affairs of the Parliament on the other. The Court argued that the Constitution is the basis of the three instruments, Legislature, Executive, and Judiciary. While the Legislature can pass the laws, it cannot undermine its very basis.[146]

Elections

Elections and the processes that immediately lead to the constitution of the Lok Sabha and state Legislatures are deeply caught in the liminal jurisdictions of the Court and the powers of the Parliament. In *India* v. *Association for Democratic Reforms* the Supreme Court has held that free and fair elections are part of the basic structure of the Constitution;[147] the voter has a right to know the antecedents of a candidate contesting the elections and ask the Election Commission to obtain the following information from the candidates:

1. Whether the candidate was convicted/acquitted/discharged of any criminal offences in the past and, if so, whether he/she was punished with imprisonment or fine;
2. Prior to six months of filing the nomination, whether the candidate was accused of any pending case, of any offence punishable with imprisonment for two years or more in which charge was framed or cognizance was taken by Court of law and the concerned details;
3. The assets (immovable, movable, bank balances, etc.) of a candidate and of his/her spouse and that of dependents;
4. Liabilities, if any, particularly whether there were overdues to public financial institutions or government dues.
5. The educational qualifications of the candidate.

Political parties regarded this verdict as an intrusion by the Court in the domain of the Parliament, although the Court had conceded Parliament's right to legislate in this regard. Following it, the government issued an ordinance under Article 123 to amend the Representation of People Act, 1951, asking under Section 33-A to provide for the following information:

1. Conviction under an offence (except Section 8 RPA offence) and sentence of imprisonment for one year or more.
2. Any case in which the candidate has been accused of any criminal offence punishable with imprisonment of two years or more and the charge that was framed by any court of law.

Regarding assets, the Ordinance stipulated that the information be provided to the Speaker of the House of People. There was no provision in the Ordinance with regard to the disclosure of educational qualifications. Section 33-B of the Ordinance further declared that 'Notwithstanding anything contained in any judgment, decree or order of any Court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his/her election, which is not required to be disclosed or furnished under this Act or the rules made there under.' The validity of this ordinance, and later of the Act, was challenged in *P.U.C.L.* v. *India* and the Supreme Court struck down Section 33-B of the Act.[148] Representation of People Third Amendment Act, 2002 (effective from 24 August 2002) reasserted the autonomy of the Houses[149] to frame rules in this regard, making it mandatory on members to supply the following information to the Chairmen/Speakers of the Houses within 90 days of taking oath of membership of their respective Houses:

1. The movable and immovable property of self, spouse, and dependents
2. Liabilities to any public financial institution
3. Liabilities to central or state governments

Elections often involve appeal to discrete constituencies and denouncing or slighting of others on the basis of their identities. Candidates are barred from furthering their prospects by promoting feelings of hatred and enmity among citizens on these grounds. The Representation of People Act, 1951 forbids appeals to vote and refrain from voting on grounds of religion, race, caste and community, and language or the use of religious symbolism to further the prospects of a candidate. However, what constitutes such appeals has been highly contentious as demonstrated in *Dr Ramesh Prabhu* v. *Prabhakar Kashinath Kunte*, *Manohar Joshi* v. *Nitin Bhaurao Patil*, and *Ramachandra G. Kapse* v. *Haribansh Ramakbal Singh*.[150] However, generally the Court has been highly circumspect in election-related issues, criminalization of politics, and the criminal association of members of the House. But in all instances

where there has been a convergence of the point of view between the Judiciary and the Parliament, the results have been dramatic and positive such as in the incidence of the cash for query case mentioned earlier.

Defections and Immunity

On the issue of defections from one political party to another, the Parliament and the Judiciary have seen both convergence and conflict. The Court has not invoked the basic structure doctrine vis-à-vis the anti-defection laws that came to be enacted in the 1980s.[151]

Article 105(1) guarantees freedom of speech in Parliament and Clause (2) of the same Article provides immunity to each member of the Parliament from judicial proceedings in respect of anything said or any vote given by him in the House. The Court by a majority has held that freedom under Article 105(1) and immunity under Article 105(2) were wide enough to confer immunity on a member from investigation into whether he took a bribe for voting one way or another.

Parliament and Judicial Activism

It may be said that in the post-Emergency era there has been a decisive shift in the way the Judiciary has seen itself vis-à-vis the Parliament on the one hand and the text of the Constitution on the other. The Court has often found that Parliament and the complex of institutions that inform it have not fulfilled the responsibilities that they have been charged with. Through the PIL the Court attempted to reach out not merely to provide 'relief to citizens but even venturing into formulating policy which the State must follow.'[152] The Court held that the powers conferred on it under Article 32 read with Articles 141, 142, and 144 empower it to issue directions to fill in the vacuum till such time as the Legislature steps in. Further, the Court has argued that the provisions of the Constitution be read in the light of the principles that were supposed to inform it and should not be merely confined to enacted legal rules.[153] The Court, for instance, has read provisions of rights under Fundamental Rights and Directive Principles of State expansively, and seen them as meant to give expression to the values of liberty, equality, and justice. It has deployed the principles enunciated in the Preamble of the Constitution to scrutinize state actions.[154] Both these inferences have been the springboard to judicial activism.

It was towards the end of the Janata Party's rule that the Court formulated a policy on PIL and saw itself in its new role as the custodian of rights and the moral preceptor of the polity. It led to renewed interest in 'the poor, the helpless, the oppressed in the name of socialism, constitutional conscience,

and the rule of law.'[155] The Court in a way was taking over the moral reigns from the politicians in the 1970s and the Judiciary refocused on itself as an institution as well. It set into motion a new set of activities; access to justice was simplified and age-old precedents and procedures were set aside. The Directive Principles of State Policy acquired new significance and denoted the central concerns of the political system, but not necessarily a blueprint of a socio-economic revolution as they were made out to be in the 1970s. In the *Maneka Gandhi* case the concepts of reasonableness and fairness were upheld. Overall the Court became the epicentre of a series of radical initiatives that was the province of the Parliament in the first three decades of independence. The 'public', the subject of the Parliament, was being appropriated by the Judiciary through PIL. In fact the Court was taking on the mantle of upholding the interests of the hapless masses in the name of rights which in the 1970s the Parliament was assuming in the name of socialism. From the 1990s onwards the 'socialist turn' came to be eclipsed by diagnostic, preventive, and reparative interventions that invoked quality of life. There were PILs that focused on the indifference and negligence of Legislatures and the Executive; issues of sanitation, corruption, social inequity, and dereliction of the duties and responsibilities of public agencies. The 'moral–political' vacuum addressed by the Judiciary was much appreciated by a section of the middle class.[156] In fact, scholar–politicians such as Arun Shourie wholly endorsed the judicial turn to public decision making and wished to reinforce it further.[157]

Target Judiciary

The stand-off between the Parliament and Judiciary has made the partisans of the former ask the latter to put its own House in order rather than live in the reflected glory of being the adversary of the Parliament. These calls have been made from four quarters: the judicial and legal fraternity; the Executive fora; Parliamentary spokespersons; and the academia. They have much bearing on the relationship between the Parliament and the Judiciary.

There are members of the bench, erstwhile or present, who have insisted that the Judiciary needs to put its own House in order. V.R. Krishna Iyer observed, 'The justice system is the principal instrumentality in satisfying the undertakings in the Constitution. Therefore, "we, the People of India" must be ensured the integrity and efficiency, the moral responsibility and reality of easy access to the court as well as early finality of dispute resolution.'[158] According to him, the inability of the poor to access courts and the tedious justice process have been the two principle defects of the Judiciary while the Parliament stands out in this regard. Justice Srikrishna feels that in the name of judicial activism, modern day judges have abandoned the traditional role of a neutral referee and have increasingly resorted to tipping the scales of justice in the name of

distributive justice. Many questions that require a political solution are placed in the lap of the Judiciary which the latter has little competence to handle.[159] He feels that considerations of expediency or the urge for immediate justice cannot be a justification 'for taking on problems with myriad fine details that the court is ill-equipped to handle.' He argues that judicial activism has led to further litigation. There has also arisen 'a new breed of self-appointed "benefactors" of the society who have specialized in filing PILs primarily to get publicity and for other obvious benefits.'[160] Sometimes members of the bench themselves have drawn attention to the partisanship of the Judiciary and love of the 'spectacle' among judges. According to Justice J.S. Verma, 'Judicial activism is appropriate when it is in the domain of legitimate "Judicial review". It should be neither judicial ad-hocism nor judicial tyranny.'[161] Somnath Chatterjee finds that the Judiciary has a myopic perception of its role due to which 'there is a serious risk of [it] entering into arenas, which are otherwise clearly assigned to the other branches of the government.' According to him, 'the answers to many socio-economic and political problems lie with Parliament and in a polling booth and not in a courtroom.'[162] Chatterjee thinks that the Parliament has been far more sensitive to the concerns of the people.

One of the important criticisms against the Judiciary is the response it evokes among the citizens at the lower levels. Marc Galanter has highlighted this issue quite centrally: 'for most citizens and most matters, the site at which they could use the system is the lower courts. At the very time that the higher reaches of the judicial system have proved extraordinarily responsive and resilient, its lower reaches appear to be locked into a spiral of escalating gridlock and ineffectiveness.'[163] He finds that citizens' participation in and access to these bodies is pitiably low. Potential users tend to avoid them, 'many from ignorance and many from calculation'. They are able to 'deliver so little by way of remedy, protection and vindication'. In fact the lower courts, generally, 'serve those who benefit from delay and non-implementation of legal norms, that is parties who are already in possession or satisfied with the status quo. For those who require vindication and prompt implementation of remedies and protections against dominant parties … the system works only haltingly, partially and occasionally'.[164] Galanter thinks that the recent resort to 'informalism' by the Court 'dilutes the idea of adjudication'. Institutions such as *Lok Adalats* function by yielding discounts rather than what the law has promised. *Lok Adalats* perform the role of bypassing the system rather than acting as a stimulus to reform the system.

ASSESSMENT

The Parliament–Judiciary relation in India highlights certain central achievements as well as inadequacies of the Parliament. While little can be said about

the attempts of the Judiciary to overreach, many of the issues where it crosses swords with the Parliament are real challenges before the latter and can only be resolved through greater perspicacity, deliberation, and fine-tuning of institutional functioning.

There are scholars who would not invest much in the claim of the Judiciary to be the moral arbitrator. They argue that 'the so called objective legal values can be manipulated to justify an almost infinite spectrum of possible outcomes. There is no middle ground. If law is politics it is little else.'[165] The Judiciary's attempts to directly enter the domain of public policy were seen by many as unfeasible both in theory and practice. In this context it is pointed out that 'the will to absolute judicial power is destructive of the very bases of legitimacy of adjudicatory power'. This is because 'Justices can be activists only within the confines of the traditions of administration of justice. They may expand and enhance that tradition ... but their work remains tradition-constituted. Judicial activism makes sense only when its performers remain recognizable *judges*'.[166] When seen otherwise, say as politicians in judicial robes or as partisans of social and human rights movements, unburdened by the craft and task of adjudication, they forfeit their 'legitimacy'. In practice often judges 'remain willing to strike but afraid to wound errant state plenipotentiarities'.

Against such criticism it is important to draw attention to the larger picture. The Judiciary in India took on the mantle of the moral domain largely vacated by the national movement and specified a set of fundamental principles to support Indian polity. Through natural succession such a moral domain should have been the social capital of Parliament, being reproduced through its own processes and through processes supported by it. It was the inability of the Parliament to constitute such a domain that inevitably brought the Court into the picture although much of its intrusion in this domain was infructuous. The judgements of the Courts have little capacity to transform the public domain. Politicians in India have tended to use the language of development and the Courts have been happy to leave this job to them. In the longer run Parliament can confront the activist confrontations of the Judiciary only by laying its hand on the traditions of the national movement and by actively engaging with the principles constituting public life. Over the years Parliament has forfeited some of the former and it has not given much heed to foster the latter.

In the longer run, therefore, the attempt of the Supreme Court to be the exclusive sentinel of the normative domain, through such devices as the basic structure, may not be acceptable to the Parliament. The basic structure doctrine in the form of a set of substantive foundational values foregrounding democracy may not be acceptable to the demos. The Court may probably make a claim on them only when the nation has not spoken. But once the nation

speaks either through the political process or through an agreement on issues, it then becomes extremely difficult for the Court to occupy the moral space. It should be noted that there has been an increased dependence of the political establishment on the judicial process. In fact the political establishment has invited the governance of the Judiciary on several occasions. Political parties have used the Judiciary to legitimize their decisions and also to make decisions on their behalf.

The contention between the Parliament and the Judiciary cannot be confined to a moral space. The Judiciary in its relation to the Parliament has posed questions of intermediary order such as good reason and not so good reason; partisan reasoning and reflective wholesome reasoning; legitimate interpretation and not so legitimate interpretation. It has called for balancing between values in contention and between dictates of power and promptings of value. In the deeply diversity-ridden context of India there are incommensurables to be weighed out which passions of the moment may not leave the Parliament to deliberate upon even in the best of times. A Court which declines the moral pedestal but engages with some of these concerns alongside its constitutional responsibilities will still occupy a Promethean space in Indian polity and help Parliament to pursue the concerns that it otherwise stands for.

NOTES

1. On the occasion of the Supreme Court of India's golden jubilee, several commentators called it the most powerful court in the world. See B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible: Essays in Honour of Supreme Court of India* (New Delhi: Oxford University Press, 2000).

2. It is important to note that this is an issue of concern in several countries today and has reopened what was thought to be a settled question in public institutional relations. See Michael Kirby, 'The Supreme Court of India and Australian Law', in Kirpal *et al.* (eds), *Supreme But Not Infallible*, pp. 66–84; S.P. Sathe, *Judicial Activism in India* (New Delhi: Oxford University Press, 2002), p. 2.

3. Granville Austin, 'The Supreme Court and the Struggle for Custody of the Constitution', in B.N. Kirpal, *et al.* (eds), *Supreme But Not Infallible*, p. 13.

4. *Constituent Assembly Debates* (*CAD*), Vol. 9, p. 1195.

5. *CAD*, Vol. 7, p. 1000.

6. Austin, 'The Supreme Court and the Struggle for Custody of the Constitution', pp. 1–15.

7. Legislative supremacy was an idea widely shared among many national leaders at the time of independence. See Sathe, *Judicial Activism in India*, p. 3.

8. (1950) 1 Supreme Court Register (SCR), p. 7.

9. This order reserved seats for Other Backward Classes (OBCs) in Engineering and Medical Colleges in Madras in 1950. This order was challenged in the Court by Miss Champakalakshmi Dorairajan as violating the provisions of Articles 15 and 29(2) of the Constitution.

10. *Lok Sabha Debates* (*LSD*), 1955, vol. 3, no. 16, Columns 1948, 1953, 1956.
11. *A.K. Gopalan* v. *State of Madras*, (1950) SCR 88, pp. 286–7.
12. *All India Reporter* (*AIR*) 1950 SC 27, p. 42.
13. See *State of West Bengal* v. *Bela Banerjee* (1954) SCR 558.
14. The Constitution (17th Amendment) Act, 1964 incorporated 44 Acts in the Ninth Schedule which was challenged in the *Sajjan Singh* case.
15. See *Sajjan Singh* v. *State of Rajasthan* (1965) 1 SCR 948–9.
16. Ibid., p. 966.
17. *AIR* 1067 SC 1643: (1967) 2 SCR 762.
18. Upendra Baxi wrote that the judgement 'is, in some sense, the Indian constitution of the future'. 'The Constitutional Quicksands of Keshavananda', in Surendra Malik (ed.), *The Fundamental Rights Case: The Critics Speak* (Lucknow: Eastern Book Company, 1975), p. 130.

It is important to note that the court was not entirely clear regarding the custodial role of the constitution. See, Austin, 'The Supreme Court and the Struggle for Custody of the Constitution', p. 6.

19. See *Madhavrao Scindia* v. *Union of India*, 1 SCC 85, p. 366.
20. Ibid., p. 454.
21. Ibid., p. 484.
22. Ibid., p. 637.
23. The judgement was delivered on Chief Justice Sikri's last day in office. On 25 April 1973 Justice Ray was appointed Chief Justice of India superceding senior judges Shelat, Hegde, and Grover. There are scholars who feel that the supercession of the judges and appointment of Justice A.N. Ray as Chief Justice and subsequent imposition of Emergency are closely bound with the *Keshavanand Bharati* case. See Austin, 'The Supreme Court', p. 6.
24. *Keshavanand Bharati* (1973) 4 SCC 225, at 365, para 285.
25. *CAD*, Vol. VII, p. 953.
26. 4 SCC 225, at 432, para 540.
27. See 4 SCC 225, at 480–6, paras 651–65.
28. 4 SCC 225, at 415, para, 499, for Kamath's Amendment, see *CAD*, IX, pp. 1651–5.
29. *Keshavanand Bharati* v. *State of Kerala*, 1973 (4) SCC 225, at 365; *Minerva Mills* v. *Union of India*, (1980) 3 SCC 625, at 673 and so on.
30. See H.M. Seervai, *The Emergency, Future Safeguards and the Habeas Corpus Case* (Bombay: Tripathi, 1978), p. 4.
31. Raju Ramchandran, 'The Supreme Court and the Basic Structure Doctrine', in B.N. Kirpal, (eds), *Supreme But Not Infallible*, p. 108.
32. Marxist theory of organization of power decried the doctrine of separation of powers and argued for concentrating all power in the Soviets as the direct expression of the revolutionary masses. The executive and judicial organs were the instrumentalities of the Soviets. While these theoretical proposition were popularized by Marx in Paris *Commune* and by Lenin in *State and Revolution*, there was little theorization on the role that Communists should play in liberal–democratic institutions. For the debate, see Karl Marx, *On the Paris Commune* (Moscow: Progress Publishers, 1970); V.I. Lenin, *State and Revolution* (Moscow: Progress Publishers [1917], 1973).
33. *LSD*, vol. LIV, no. 12, 5 August 1975, p. 8.
34. Ibid.
35. Ibid., p. 11.
36. Ibid., p. 14.

37. Ibid., p. 17.
38. Ibid., p. 24.
39. *Rajya Sabha Debates* (*RSD*), vol. XCIII, no. 13, 6 August 1975, p. 12.
40. *LSD*, vol. LIV, nos 11–14, 4–7 August 1975; no. 14, 7 August, p. 26.
41. *RSD*, vol. XCIII, no. 14, 7 August 1975, p. 35.
42. *LSD*, vol. LXV, no. 1, 25 October 1976, p. 50.
43. Ibid., pp. 53–4.
44. Ibid., p. 67.
45. Ibid., p. 71.
46. *LSD*, vol. LXV, no. 2, 26 October 1976, p. 30.
47. Ibid., p. 32.
48. Ibid.
49. *LSD*, vol. LXV, no. 3, 27 October 1976, p. 148.
50. Ibid., p. 142.
51. *LSD*, vol. LXV, no. 4, 28 October 1976, p. 10.
52. There are different histories of judicial activism, and often much depends upon what is meant by it. For one of the popular accounts, see Sathe, *Judicial Activism in India*.
53. Austin, 'The Supreme Court', p. 9.
54. *Minerva Mills Ltd* v. *Union of India*, (1980) 3 SCC 625, at 643, para 17; at 676, para 86.
55. *M. Nagaraj* v. *Union of India* (2006) 8 SCC 212, at 243, paragraphs 23–4.
56. See *Samatha* v. *State of Andhra Pradesh* (1997) 8 SCC 191, at 248, 262, 264, paras 79, 102.
57. See Justice Bhagwati, in *Minerva Mills Ltd* v. *Union of India* (1980), 3 SCC 625 at 664, para 78.
58. A phrase used by Lord Cooke of Thorndon to describe the way the Supreme Court of India has positioned itself through the so-called *Judges Cases*. Kirpal *et al.* (eds), *Supreme but not Infallible*, pp. 97–106.
59. Ramachandran, 'The Supreme Court and the Basic Structure Doctrine', p. 128.
60. Ibid., p. 130.
61. While this issue requires further probing, numerous instances of the interventions of the Court against a purported majority demonstrates that the Court has succeeded only in instances where the majority was wavering or where there were possibilities of begetting an alternative majority or there was widespread support to dent the passions of the moment, and so on. Instances such as the Babri Masjid–Ram Janmabhoomi episode and the Gujarat riots of 2002 highlight the possibilities and limitations in this regard. Besides, the Court need not always be immune from the infections of majoritarianism.
62. *Keshavanand Bharati* case, 4SCC 225, at para 767, para 1426; 768, para 1430.
63. Ibid. at 763, para 1418–19.
64. Gobind Das, 'The Supreme Court: An Overview', in B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible*, p. 35.
65. See *Mohd Aslam Alias Bhure* v. *India* (2003) 2 SCC 576. In this judgement, it could be said, the Judiciary was the bulwark of support to the Parliament, when the government headed by the Bharatiya Janata Party (BJP) chose to approach the Court to allow the Vishwa Hindu Parishad (VHP) and the Bajrang Dal to perform prayers and worship on the land adjacent to the site in which the demolished mosque stood.
66. See *Daniel Latiff* v. *India* (2001) 7 SCC 740.
67. In this regard, also see *Vishaka* v. *Rajasthan* (1997) 6 SCC 241.
68. *Ram Jawaya* v. *State of Punjab* (1955) 2 SCR 225, paras 238–9.

69. *Samsher Singh* v. *State of Punjab*, *AIR* 1974 SC 2192. At present the Constitution explicitly states that the President is bound to act on the advice of the Council of Ministers and if he/she advises to reconsider a decision, she/he is bound to act on such reconsideration. See Section 11, *The Constitution (Forty-Fourth Amendment) Act*, 1978.

70. *State of Rajasthan* v. *Union of India* (1977) 2 SCC 592 at 614, para 32.

71. Arun Shourie, *The Parliamentary System* (New Delhi: Rupa & Co., 2007), pp. 208–18.

72. *Kehar Singh* v. *India* (1989) 1 SCC 204.

73. In some instances the Court has directly monitored the working of the Parliament or the state legislatures. In 1998 the court ordered a floor test in Uttar Pradesh to resolve the tussle for the post of Chief Minister between Jagadambika Pal and Kalyan Singh. In 2005, a three-judge bench asked Jharkhand Assembly to hold a trust vote and provide a video recording of the proceedings. In some instances, the Court even 'created' and 'enforced' a law, such as banning children from being interviewed for admissions to nursery schools.

74. *AIR* 1992 SC 165.

75. See *Parmajit Kaur* v. *Punjab* (1996) 7 SCC 20; *B.R. Kapoor* v. *India* (1989) 3 SCC 387.

76. *Communist Party of India (M)* v. *Bharat Kumar* (1998) 1 SCC 201.

77. (1997), 3 SCC 261.

78. (1987), 1 SCC 362.

79. M.B. Shah said in this context that 'the doctrine of the Parliamentary sovereignty as it obtains in England does not prevail here except to the extent and in the fields provided by the Constitution', (2003) 4 Supreme Court Cases (SCC) 300, 444 para 51 Shaha J.

80. Sathe, *Judicial Activism in India*, p. lxxxiii.

81. *Constitution of India*, Article 27.

82. Ibid., Articles 14, 15, 16, and 29.

83. Ibid., Article 25.

84. Sathe, *Judicial Activism in India*, p. 164.

85. National Council of Educational Research and Training (NCERT) is a public body, which, among other things, produces texts for school education.

86. (2002) 7 SCC, 368, 390.

87. (2002) 7 SCC 407.

88. In the Matter of Special Reference No. 1 of 2002 (2002) 8 SCC 237.

89. See U.N. Ghosal, *A History of Indian Political Ideas* (Madras: Oxford University Press, 1959).

90. See Sathe, *Judicial Activism in India*, p. xlviii. The Constitution guarantees the following rights to religious denominations: to establish and maintain institutions for religious and charitable purposes; to manage their own affairs in matters of religion; to own and acquire movable and immovable property and to administer such property in accordance with law. While these rights are subject to 'public order, morality and health', they are not prefaced by the phrase 'subject to other provisions of this part' as are most of the Fundamental Rights in Part III.

91. See (2002) 8 SCC 481: AIR 2003 SC 355.

92. (1995) 3 SCC 635.

93. *State of Bombay* v. *Bombay Educational Society* (1955) 1 SCR 568.

94. See *In Re: Kerala Educational Bill (1959) SCR* 995.

95. Rajeev Dhavan and Fali S. Nariman, 'The Supreme Court and Group Life: Religious Freedom, Minority Groups and Disadvantaged Communities', in B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible*, p. 270.

96. Ibid., p. 259.

97. See Jawaharlal Nehru, *Parliamentary Debates* (*PD*), Part II, XII–XIII, Column 8832, 17 May 1951.

98. *Venkatramana Devaru* v. *Mysore*, *AIR* 1958 SC 255.

99. *Saifuddin Saheb* v *Bombay*, *AIR* 1962 SC 853.

100. *S. Mahedran* v. *Secretary, Travancore Devaswom Board*, *AIR* 1993 Ker. 42.

101. The argument that in spite of their differences minorities should be treated equally with the majority may beget great harm to the minorities. Considerations of equality may rule out discrimination on grounds of religion and caste but religion and caste themselves may foreground conceptions and patterns of what it means to be considered as equal. It is also important to note that freedom of religion cannot be merely a formal injunction but a substantive provision.

102. Inder Malhotra, 'Present at the Creation', in B.N. Kirpal *et al.*, (eds), *Supreme But Not Infallible*, p. 474.

103. Chief Justice Chandrachud, *State of Punjab* v. *Jagdev Singh*, *AIR* 1984 SC 444.

104. Article 20 provides for: (*a*) the right not to be punished for an act that was not an offence at the time it was committed and not to be subjected to a punishment higher than that which was prescribed when the act was committed; (*b*) the right not to be prosecuted and punished for the same offence more than once; and (*c*) the right not to be compelled to give evidence against oneself. Article 21 guarantees the right to life and personal liberty, and the right not to be deprived of such life and liberty except by procedure established by law.

105. (1981) 1 SCC 608.

106. *India Council for Enviro-Legal Action* v. *India* (1996) 3 SCC 212.

107. See for instance *Brij Bhushan* v. *State of Delhi* AIR 1950 SC 129.

108. See Soli Sorabjee, 'Freedom of the Media', in B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible*, p. 345.

109. *AIR* 1971 SC 481 at 498.

110. The Right to Information (RTI) Act, throwing open the proceedings of the House to the electronic media and setting up of the Lok Sabha TV channel, have been positive developments in this direction.

111. AIR 1982 SC 149.

112. The Constitution (25h) Amendment Act, 1971 deleted the word 'compensation' and substituted it by 'amount'.

113. AIR 2002 SC 1913.

114. AIR 2002 SC 3252.

115. *Hamdhard Dawakhana* v. *India*, AIR 1960 SC 554, 560.

116. *Kerala* v. *N.M. Thomas* (1976) 2 SCC 310; *Indira Sawhney* v. *Union of India* (1992) Supp 3 SCC 217.

117. This Convention was adopted and opened for signature, ratification, and accession by the United Nations General Assembly resolution 34/180 on 18 December 1979.

118. See *Vishaka* v. *Rajasthan* (1997) 6 SCC 241: AIR 1997 SC 3011.

119. For the argument that considerations of difference are integrally bound with substantive equality, see Iris Marion Young, *Justice and Difference* (Princeton: Princeton University Press, 1990); and Nivedita Menon, *Gender and Politics in India* (New Delhi: Oxford University Press, 1999).

120. See Indira Jaising, 'Gender Justice and the Supreme Court', in B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible*, pp. 288–320.

121. See *Neera Mathur* v. *LIC AIR* 1992 SC 392: (1992) 1 SCC 286.

122. See *AIR* 1984 SC 1420.
123. *AIR* 1992 SC 1858.
124. (1993) 1 SCC 645.
125. On this issue, see T.M.A. Pai judgement.
126. *AIR* 1993 SC 477.
127. Das, 'The Supreme Court: An Overview', pp. 16–42, especially p. 33.
128. See Central Educational Institutions (Reservation in Admission) Bill, 2006.
129. See *The Times of India*, 17 October 2006, p. 9.
130. See *The Hindu*, 28 April 2007.
131. *S.P. Gupta* v. *Union of India* 1981 Supp. SCC 87 at 210.
132. See *Bandhua Mukti Morcha* v. *Union of India* (1984) 3 SCC 161 at 186.
133. See Sangeeta Ahuja, *People, Law and Justice: Cases and Materials on PIL* (New Delhi: Orient Longman, 1996), Vol. II.
134. See Ashok H. Desai and S. Muralidhar, 'Public Interest Litigation: Potential and Problems', in B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible*, p. 165.
135. See *Sheela Barse* v. *Union of India* (1988) 4 SCC 226 at 246.
136. See *Dr Upendra Baxi* v. *State of UP* (1986), 4 SCC 106 at 117.
137. Sathe, *Judicial Activism in India*, p. 17.
138. Ibid., p. 39.
139. Ibid., p. 20.
140. Ibid.
141. See *State of Rajasthan* v. *Union of India AIR* 1977 SC 1361.
142. Ibid., p. 592.
143. *Commission on Centre State Relations Report*, Government of India, 1988, vol. 1, p. 173.
144. (1994) 3 SCC 1: *AIR* 1994 SC 1918.
145. Gopal Subramanium, 'Emergency Provisions under the Indian Constitution', in B.N. Kirpal *et al.* (eds), *Supreme But Not Infallible*, p. 148.
146. In *B.R. Kapur* v. *State of Tamil Nadu* the Supreme Court has held that it is the Constitution and not the people who are supreme. See (2001) 7 SCC 231.
147. (2002) 5 SCC 294.
148. (2003) 4 SCC 399.
149. See *The Representation of People Act, 1951* (as amended in 2003; with effect from 28 August 2003) (New Delhi: Commercial Law Publishers, 2005), p. 37.
150. (1996) 1 SCC 159.
151. For the argument, see Chapter 8 of this volume.
152. Desai and Muralidhar, 'Public Interest Litigation', pp. 159–92.
153. See Sathe, *Judicial Activism in India*, p. 13.
154. Ibid.
155. Das, 'The Supreme Court: An Overview', p. 24.
156. See Sathe, *Judicial Activism in India*, pp. 278–80.
157. Shourie, *The Parliamentary System*.
158. All quotes from Shourie, *The Parliamentary System*.
159. Ibid.
160. Ibid.
161. Ibid.
162. All quotes in Somnath Chatterjee, The Second Annual Convocation Address at the West Bengal National University of Judicial Sciences, Kolkata, 23 June 2007.

163. Marc Galanter, 'Fifty Years On', in B.N. Kirpal, *et al.* (eds), *Supreme But Not Infallible*, p. 57.

164. Ibid., p. 59.

165. Ibid., p. 45.

166. Upendra Baxi, 'Preface', in S.P. Sathe, *Judicial Activism in India* (New Delhi: Oxford University Press, 2002), p. xviii.

7 The Lok Sabha and the Rajya Sabha

ONE OF THE charges levelled against the Rajya Sabha is that over the years it has become more like the Lok Sabha, party-political. It has been asked whether it should not take up issues in a manner and style different from the Lok Sabha.[1] Given India's diversity and the cultural legacies embedded in this diversity, should the Rajya Sabha charter a course different from what it has eventually come to trace in independent India? L.M. Singhvi, for instance, argued for such a stance when he was a member of the Rajya Sabha. He felt that it was imperative to redefine the specific role of the Rajya Sabha in the Indian polity. Speaking as a member of the House, he said, 'Unless we know our role, unless we perceive our role clearly, we cannot perform it in an optimal manner. To understand or redefine the role of the Second Chamber is to begin to put in place the possibility of performing that role in an institutional perspective.'[2] This chapter explores the distinctiveness of the Rajya Sabha vis-à-vis the Lok Sabha, the relation between the two, and the direction and extent to which this relation can be rethought today.

INSTITUTIONAL OUTLAY OF THE PARLIAMENT

The Indian Parliament is made of the President and the two Houses: the Lok Sabha and Rajya Sabha. While the two Houses continue to be recognized by their names in the Constitution as House of the People and Council of States respectively, the Speaker of the former, G.V. Mavalankar, announced on 14 May 1954 that the House of the People would thereafter be known as Lok Sabha.[3] On 23 August 1954, the Chairman of the Rajya Sabha, Dr Sarvepalli Radhakrishnan, made a similar announcement that thenceforth the Council of States would be called Rajya Sabha and its Secretariat, the Rajya Sabha Secretariat and he had the concurrence of the Prime Minister and Leader of the Council for the same.[4]

When the Constitution was adopted on 26 November 1949, the Rajya Sabha was allotted 217 members, 12 of them nominated by the President and the remaining elected from Part A, B, and C states.[5] It is a permanent body and was first constituted on 3 April 1952. The allocation of seats was made on the basis of the population of each state. For instance, in the case of states having a population of over five million, the number of seats allotted to each was determined according to the formula, 'one seat for the first five million and one seat for every additional two million or part thereof exceeding one million'. Consequent to the reorganization of states and formation of new states, the number of elected members in the Rajya Sabha increased and at present stands at 238 (see Table 7.1). They are elected by the various state assemblies for a period of six years, roughly in tune with their population. One-third of the members of the House retire every two years. In addition it consists of 12 members nominated by the President who possess special knowledge or practical experience in such matters as science, literature, art, and social service.

The representatives of states are elected by the elected members of the legislative assemblies of the respective states in accordance with the system of proportional representation by means of a single transferable vote.[6] The representatives of the Union Territories are chosen in such manner as Parliament may by law prescribe.[7] Part IVA of the Representation of the People's Act, 1950, provides for the manner of filling up of seats in the Rajya Sabha allotted to Union Territories.

The President is integral to the Parliamentary process. He/she is elected by members of the both Houses of the Parliament and the elected members of the state Legislatures. The Houses embody distinct modes of legitimacy: the Lok Sabha being the House directly elected by universal adult franchise through periodic elections represents the people in the union while the state Legislatures represent them at the regional levels. The Rajya Sabha embodies the wishes and aspirations of the states composing the Indian union. The President embodies within himself/herself the representative mandate of the union as well as the states on one hand and of the states collectively as manifest in the Rajya Sabha on the other. The President addresses both the Houses assembled together at the commencement of the first session after each general election to the Lok Sabha and at the commencement of the first session of each year. For a Bill to become a law, the assent of the President is mandatory. He/She can withhold it once, but if both the Houses in their joint sitting presided over by the Speaker reiterate the Bill, the President is bound to give his/her assent to it.

Although not explicitly stated, the Lok Sabha enjoys some degree of preeminence over the Rajya Sabha though a Bill, other than a money Bill, needs the approval of both of them to become a law. This can be seen from several

Table 7.1 Allocation of Seats in the Council of States

States	*Seats*
Andhra Pradesh	18
Assam	7
Bihar	16
Jharkhand	6
Goa	1
Gujarat	11
Haryana	5
Kerala	9
Madhya Pradesh	11
Chhattisgarh	5
Tamil Nadu	18
Maharashtra	19
Karnataka	12
Orissa	10
Punjab	7
Rajasthan	10
Uttar Pradesh	31
Uttaranchal	3
West Bengal	16
Jammu and Kashmir	4
Nagaland	1
Himachal Pradesh	3
Manipur	1
Tripura	1
Meghalaya	1
Sikkim	1
Mizoram	1
Arunachal Pradesh	1
Delhi	3
Pondicherry	1

Source: Schedule IV, Constitution of India, 2006 (Reprint).

misguided attempts to abolish the Rajya Sabha while there have been none of the kind with regard to the Lok Sabha. The Constitution distinguishes between money and other Bills, entrusting greater responsibility regarding the former to the Lok Sabha. Money Bills can be introduced only in the Lok Sabha. The Rajya Sabha may make recommendations within 14 days but the Lok Sabha is free to accept them or reject them. It is the Speaker of the Lok Sabha who decides if Bills are money Bills or not. The Lok Sabha has more than twice the number of members of the Rajya Sabha (545 and 245 respectively). A government has to resign if it loses majority support in the Lok Sabha. Such is not the case with regard to the Rajya Sabha. All of it gives the Lok Sabha a decisive edge over the Rajya Sabha in commanding the legislative process. At the same

time it is to be noted that the Rajya Sabha has three exclusive powers: under Article 249 the Rajya Sabha, by a resolution supported by not less than two-third of the members, present and voting, can declare a subject enumerated in the state list as coming under the purview of the Parliament. Such a resolution holds good for a maximum of one year at a time and can be extended for a year more. Under Article 312, the Rajya Sabha can create one or more All-India Services provided two-thirds of its members support such a resolution. Under Article 352 a proclamation of emergency can be approved by the Rajya Sabha for a limited period when the Lok Sabha remains dissolved.

RATIONALE FOR THE RAJYA SABHA

The reasons for the existence of a second chamber and even its characteristics are often country-specific and deeply caught in its traditions, historical developments, social organization, and vision for the future. As was the case with other public institutions, the reasons for setting up the Rajya Sabha came to be reflected upon in the *Constituent Assembly Debates* (*CAD*). There was no one-to-one relationship between the arguments favouring the Rajya Sabha or one of its specific versions on one hand, and the social class and background that members of the Constituent Assembly hailed from on the other. However, those who subscribed to certain modes of elitism also defended the Rajya Sabha with reasons appropriate to them.

Review and Reflective Chamber

An important segment of the Constituent Assembly saw the Rajya Sabha as a revising and reflective chamber. The experience that several members of the Assembly had gone through during the earlier constitutional developments proved handy in this regard.[8] The argument that the Rajya Sabha should be the impartial chamber of revision of the measures and proposals advanced by the Lower House, unswayed by considerations of electoral outcome, was advanced by quite a few speakers. Within the mainstream cultural tradition this argument strongly invoked one part of the fourfold authority, the judgement of *sadvipra* (the righteous person), for right action, a theme that recurs in a number of nationalist writings.[9] An apprehension with regard to popular democracy based on universal adult franchise informed this argument. There were many speakers who saw the Lower House as restive and the Upper House as having a sobering effect on it.[10] Gopalaswami Ayyangar put across the argument as follows: 'The most that we expect [from] the second chamber is to hold dignified debates on important issues and to delay legislation which might be the outcome of the passions of the moment.'[11] Hasty legislation passed by the Lower House can be checked by the Upper House.[12] One of the members described the Rajya Sabha as, 'a sobering House, a reviewing House, a House

standing for quality and the members will be exercising their right to be heard on the merits of what they say, for their sobriety and knowledge of special problems; quantity, that is, their number, is not much of moment.'[13] Gopalaswami Ayyangar felt that it would also give, 'an opportunity, perhaps, to seasoned people who may not be in the thickest of the fray but who might be willing to participate in the debate with an amount of learning and importance which we do not ordinarily associate with a House of the People.'[14] This argument was reinforced by Ananthasaynam Iyengar who defended the Upper House as affording an opportunity to people interested in politics but who may not be able to win a popular mandate. He said, 'We must find opportunity for various people to take part in politics. Therefore it is necessary that we should have another house where the genius of people may have full play.'[15]

Quite a few who spoke in the Constituent Assembly on the provisions pertaining to the Rajya Sabha envisaged it as the cultural face of India par excellence.[16] Many others felt that the existence of a second chamber would enable the country in general and Parliament in particular to have the larger picture in mind and act in cognizance of it. Naziruddin Ahmad put across this viewpoint very strongly:

> We are going to obtain supreme sovereign powers. We have to deal with foreign and domestic matters of extreme importance. In these circumstances it will be wise for us to have two houses. A popular House is known for its vitality and vigour and that House will have the exclusive power in regard to money. But a second chamber introduces an element of sobriety and second thought. In these circumstances, it would be wise for us, especially in view of many foreign subjects which are looming large in our minds, to have a Second Chamber. It would be a disadvantage, is, I think, not correct.[17]

Accommodating diversity too figured in prominently. For instance, Naziruddin Ahmad was to say, 'Then again, we have to consider the entry of the states into the federation, and if we have this in mind, a Second Chamber would be an absolute necessity. Without a Second Chamber it would be difficult to fit in the representatives of the states in the scheme of things.'[18]

This note of elitism that called for supplementing the popular, rough and tumble face of democracy was an important qualification that went into the very conception of representative democracy in India. The Rajya Sabha was supposed to be the intellectual and theoretical face of the Parliament against the 'mundane' and 'ordinary' Lok Sabha. By making the Vice President, elected by both the Houses, its Chairman, it was stamped with the consensus of the polity as a whole and was also brought into close nexus with the state. In a way, the Rajya Sabha still bears the weight of this symbolic legacy and has continued to be the parking lounge of political glitterati and public intellectuals over the years. The Lok Sabha, however, has been the pulse of the vitality of Indian democracy and has refused to acknowledge the Rajya Sabha as its intellectual and cultural superior.

There was strong opposition in the Constituent Assembly to the idea of nominating 12 members to the Rajya Sabha as it was felt that the ruling dispensation might pack the House with its nominees. It was further argued that the President who embodied the unity as well as diversity of India might be implicated in making unsavoury appointments.

Federal Chamber

The second argument in defence of the Rajya Sabha was the federal character of India, a feature whose avowal remained deeply ambiguous in the *CAD*. While the idea of federalism figured in prominently, there were major differences among members about its significance and its concrete form in the Indian context. While the experience of the United States of America was brought in to bear on this issue,[19] there was also a widespread feeling in the Assembly that this experience did not necessarily offer a blueprint to grapple with the realities of Indian polity. However, many members felt that some features of this experience could be highly appropriate for India.[20] Loknath Misra was one of the main votaries of such a stance and wanted the Rajya Sabha to be like the American Senate, based on equal representation to the federal units: 'The position should be made clear that the Council of States will be representative of the State interests, and therefore, the states, as states, and as autonomous units, must be equally represented.'[21] Along with a few others, he felt that this arrangement would limit the number of members of the Rajya Sabha and it would not become an issue of concern. There were variations on this position: while some members advocated equal representation to state units, others demanded proportionately more representation to smaller states. Overall this argument saw the Rajya Sabha as the guardian of the interests of the states in a commonwealth of states.

Grand Inquest of the Nation

Behind the conception of the Rajya Sabha there was the idea of popular representation qualifying the federal character of India and bringing the nation together. Therefore those who aspired to its membership had to know the interests of the states they represented and possibly see these interests in relation to, and in consonance with, the interests of the union as a whole. While the idea of federalism was accepted by this perspective, the federal units were not seen as self-contained but subject to the idea of popular sovereignty. The Rajya Sabha was a representative of the nation like the Lok Sabha but in a different sense. It would represent the nation as a differentiated whole. This perspective, a significant departure from the American idea of federalism, saw the constitutional powers granted to the Rajya Sabha—such as to

legislate on a state subject under certain conditions (Article 249),[22] to create All-India Services (Article 312), and special emergency powers when the Lok Sabha was dissolved (Articles 352 and 356)—apprehensively as endangering Indian federalism.[23] It was felt that these provisions held out the possibility of reinforcing Unitarian tendencies. They spelled the threat of centralism leading to undermining the autonomy of the units. This apprehension made Ambedkar intervene: 'All I can say is, there is some amount of justification for the fear they have expressed ... If their fears come true, I have no doubt that some honourable member will come forward hereafter to have the article amended through the procedure we have prescribed to amend the constitution.'[24]

The argument that the Rajya Sabha should be defined differently from the Lok Sabha with an inflection on diversity was made by many subsequently. L.M. Singhvi even argued that the Rajya Sabha be named as 'Senate' to convey this principle.[25] According to him the Rajya Sabha should not be merely a revising chamber but 'represent the federal ethos in India'; it should be the 'grand inquest of the nation', reflecting the 'diversities of languages ... of cultures ... perceptions and diversities of interests'.[26] He argued that it should be the 'House of Wisdom and Federal understanding'.[27] Many who share such a view feel that the Rajya Sabha should be the 'spokeschamber' of the great diversity of India.[28]

It is important to note that this perspective, while being rich in possibilities of an alternative conception of the Upper House, was wrought with contradictions. Such conflicts could not be resolved through programmatic deals but had to be engaged with theoretically. During the making of the Constitution or subsequently after, little attention has been paid in drawing up arguments in defence of this perspective.

Legislative Chamber

The Rajya Sabha is also a legislative chamber and it should not be seen as merely duplicating the work done by the Lok Sabha as it can mark a proposed law with its own imprint. It is not an amending house but one that has good reasons to initiate legislation and amend existing laws. The majority–minority relation in the Rajya Sabha changes at a much slower pace and very differently from that of the Lok Sabha. A party or coalition of parties may enjoy a majority in the Lok Sabha but may not do so in the Rajya Sabha. The ruling party or coalition in such a case needs to work with the opposition and is expected to develop public reason to win over the opposition. It provides space to build up shared agreements. Reinforcing such a shared ground is mandatory for any mature democracy.

OPPOSITION TO THE SECOND CHAMBER

To Abbe Sieyes has been attributed the saying, 'If the Second Chamber dissents from the First, it is mischievous; if it agrees, it is superfluous'.[29] There were many critics of the Rajya Sabha in the Constituent Assembly and subsequently, particularly in the first three decades after independence. However, all those who opposed did not do so for the same reasons. While sensitivity to differences led to the founding of the Upper House to accommodate and represent them, there was no agreement on what were the significant differences that called for the need of the Rajya Sabha and what provisions were to be made for the purpose.

There were many who felt that the Rajya Sabha may involve a compromise on national unity. Others argued that it is a wasteful institution with little bearing on how the Lower House will conduct itself or shape public policy. Some of them felt that it was a shallow imitation of the British system not conducive to a post-colonial setting such as India. Some felt that the cultural differences that inform India can hardly be invoked as the justification for the Rajya Sabha. In the Constituent Assembly Shibban Lal Saxena pointed out that it will come in the way of progressive legislation and changes acting 'as a clog in the wheel of progress.'[30]

However, some members in the Constituent Assembly launched a sustained and vigorous opposition against the Upper House in the name of 'culture' and 'values'. Loknath Misra, for instance, speaking for this position said, 'It will not serve any useful purpose and be a wastage of public money. It is an outdated institution. Only an upper house that is *purely Indian*, based on *Indian culture, sentiments and temperament* will be able to exert a sobering influence on a restive lower house. Since this was not to be, there was no need for Upper House' (emphasis added).[31] In fact this stance of Misra went alongside a strong defence of the Upper House conceived in the mode of the US Senate. Such views wanted the Rajya Sabha to be strong to rein in the Lok Sabha.

MODE OF CONSTITUTION OF THE HOUSE

Disagreements with regard to the rationale of the House resulted in differences regarding its composition. Sometimes it became a matter of contention even among those who shared a common perspective.

Many were against the principle of nomination of members to the Rajya Sabha. The principle of election they thought was superior to the despised principle of nomination which colonial masters employed to pack places with the 'right' men. K.T. Shah, while endorsing a bicameral House, argued in the Constituent Assembly that both the Houses should be wholly elected, whatever

the mode, and the element of nomination should be completely excluded as this affects the internal symmetry of the legislative body.[32] Lakshminarayan Sahu too felt that provision for nomination should be deleted as it could cause allegations of favouritism against the President. Some felt that nomination could be replaced by functional representation along with a panel system. A board could also be constituted of meritorious and learned persons to aid and advise legislators.[33] However, a few, such as Nazirruddin Ahmad, argued that it might be better to invoke the principle of nomination in exceptional cases rather than deprive a social group from representation altogether.[34]

Since states were the units of composition, many felt that they should be equally represented. For instance, K.T. Shah, Loknath Misra, and Laxminarayan Sahu took such a stand. Shah further argued that the extent of representation of states should be decided in the Constitution itself and not left to the Parliament.[35] Others called for representation on the basis of population up to a limit and beyond it an equal number or proportionate representatives per state. In the process the bigger states would have relatively less number of representatives, and the smaller states would enjoy a like presence. Shibban Lal Saxena and Loknath Misra were strong proponents of such an arrangement.[36] The latter felt that if the representatives were elected to the Rajya Sabha in proportion to their population or some other basis, it would be a duplication of the House of People.[37] K.T. Shah thought that five members from each state or unit was good enough and saw the representation in the Council of States as more of the territory and of the special interests of the unit or region rather than of the people as was the case with the House of People.[38]

Mahboob Ali Baig Sahib Bahadur put forward the view that the representatives to the Council of States should be elected by a system of proportional representation by means of a single transferable vote from members of state Legislatures and members of the Upper Houses of states should also be allowed to take part in the election. Mistakenly he thought that this system was already agreed upon with regard to the election of the President and was conducive to the defence of minority interests. Bahadur saw a parallel to it in the Swiss system of proportional representation: 'This system, far from being divisive is the most scientific and democratic method of representing people.'[39] The principles of nomination and election were perceived differently by different members in the Constituent Assembly. Mohd Tahir too argued that there should not be any distinction between elected and nominated members except as regards the election of the President. They should not be barred from voting in the election of their representatives to the Council of States.[40]

How should the Parliament be made sensitive to complex and specialized issues and problems? This issue was closely related to the role and functions of the Rajya Sabha. Suggestions came up for the appointment of para-legislative

bodies. K.T. Shah felt that Parliament may by law establish a Consultative Council of Representatives, acting as an advisory council consisting of certain special interests and elected by their organizations in arenas like agriculture, forestry, mining, engineering, trade, industry, social services, and so on. It would not have any executive or administrative functions and would be composed of generalists who had a close but overall understanding. It would be a permanent body of people.[41] R.K. Sidhwa argued that while the appointment of such committees was important, it could be left to the Parliament to determine these by an Act as and when the need arose, instead of mentioning them in the Constitution.[42]

Ambedkar, however, suggested that consultation with organized opinion dealing with a particular matter prior to the introduction of legislation was a matter of common course and need not be noted in the Constitution. If need be, an amendment could be introduced which would permit the President to nominate three experts on the matter being dealt with either to the Council of States or to the House of People. They could continue to be members of the Legislature until the specific bill was completed and would have the right to address the House but not the right to vote. Expert knowledge would be available to the House as and when required.[43]

While Ambedkar suggested that members nominated by the President to the Rajya Sabha should consist of persons having special or practical knowledge in respect of 'letters, art, science and social service',[44] such a qualification was not wholly acceptable to others. Loknath Misra wanted nominated members to be rooted in the philosophical and cultural traditions of India while Naziruddin Ahmad felt that philosophy, religion, and law should be inserted after the word 'science'. Journalism, commerce, industries could also be included as the criteria for selection as well as important professions and callings. He felt that such an inclusive spectrum would also make the choice of the President easier and better.[45] It is, however, to be noted that terminology denoting division of knowledge remained deeply porous.

THE WORKING OF THE RAJYA SABHA

How has the Rajya Sabha worked and defined its role in the complex of authoritative state institutions over the years? As a legislative Chamber, its output is quite credible. Since 1952 till December 2001, 734 government bills were introduced in the Rajya Sabha.[46] During this period the Rajya Sabha considered 3,118 bills and passed 3,081 bills. The Rajya Sabha also revised a number of bills such as the Income Tax Amendment Bill of 1961 and the National Honour Bill of 1971. Its insistence on some aspects of the Dowry Prohibition Bill led to the convening of the first Joint Sitting of the two Houses, and one of the amendments suggested by the Rajya Sabha was accepted by the Lok Sabha.

The Rajya Sabha has on occasion also amended the motion of thanks on the address by the President.

From 1952 till the end of 2001, 1,149 Private Members Bills[47] were introduced in the Rajya Sabha out of which 291 were considered. Out of the 14 private members bills that found their place in the statute book, five of them were introduced and passed in the first 12 years of the Rajya Sabha.

A new practice has been introduced since 1970 to discuss the working of a few selected ministries every year. Often these discussions, which do not entail a threat to the government of the day, are thorough, dispassionate, and non-partisan.

Although the Rajya Sabha does not have power with regard to money bills, it still plays a significant role. It can recommend amendments to such bills although it is left to the Lok Sabha to accept them. The Constitution also provides that the annual Union Budget be laid on the floor of both Houses of Parliament although demands for grants should be made only to the Lok Sabha. The address by the President provides an important occasion for the Rajya Sabha to intervene as it touches upon all aspects of the financial affairs of the country. The reports of the Comptroller and Auditor General relating to the accounts of the union are laid before both the Houses. Members of the Rajya Sabha are also closely associated with two of the three financial committees, namely the Committee on Public Accounts and the Committee on Public Undertakings. Besides, members also serve on the Department-related Parliamentary Committees. Apart from money bills there are also other financial bills over which there is no limitation on the power of the Rajya Sabha.

The Constitution of India can be amended through three ways: through a simple majority and passed like any ordinary law; through a special majority, of two-thirds members of Parliament present and voting who at the same time constitute an absolute majority of the House,[48] a special majority being only for passing a Bill at the final stage, not at each stage.[49] Certain provisions of the Constitution that have a bearing on federal provisions require the support of a special majority of Parliament, required for the second type of amendment, and endorsement by at least half of the state legislatures.

A resolution was moved in the Lok Sabha on 18 March 1954, seeking to abolish the Rajya Sabha. Another resolution was moved on 30 March 1973 almost on the same lines. In 1971, '72 and '75 three Constitution Amendment Bills were sought to be introduced by private members in the Lok Sabha seeking to do away with the Council of States. The Lok Sabha Committee on Private Members' Bills and Resolutions did not recommend introduction of those bills. The Committee felt that those bills affected a fundamental principle set out in Article 1 of the Constitution on which the structure of the Constitution rested and the Committee eventually used the judgement in the *Keshavananda Bharati* case that Article 368 of the Constitution does not

permit the Parliament to alter the basic framework of the Constitution. In 1981 one more Constitution Amendment Bill was sought to be introduced by a private member in the Lok Sabha for the abolition of the Council of States and the legislative councils in the States. The bill was not recommended for introduction by the Committee.

There were attempts made to widen the jurisdiction of the Rajya Sabha. On 30 August 1991 a private member introduced a Constitution amendment bill in the Rajya Sabha to insert a new Article 117 (a) to give additional financial powers to the Rajya Sabha in the event of the dissolution of the Lok Sabha or when the latter was not functioning. The bill sought to confer all the financial powers of the Lok Sabha on the Rajya Sabha when the Lok Sabha was dissolved or in any other contingency when the financial business required to be completed under the Constitution could not be timely completed by that House. It is interesting to remember that the Bill was introduced at a point when the regular budget could not be presented and only a vote-on-account was taken. The bill was discussed on 21 December 1991 and 13 March 1992 but was withdrawn subsequently.

JOINT SITTINGS

Issues of conflict can arise between the Lok Sabha and Rajya Sabha on mutual perceptions and division of labour although they have been kept at a low key through a fairly well-laid down system of codes and agreements.[50] Over the years a set of explicit rules and regulations have been put in place to prevent occasions of conflict between the two Houses. Where irresolvable differences arise on Bills and the Houses take a rigid stand on their respective positions, one of the modes of resolving them is through Joint Sittings. There have been three joint sittings of the two Houses so far, namely with regard to Dowry Prohibition Bill, 1959; the Banking Service Commission (Repeal) Bill, 1978; and the Prevention of Terrorism Bill, 2002. We have explored all the three to highlight issues and perceptions of differences.

Dowry Prohibition Bill, 1959

This Bill was introduced in 1959. While both the Houses accepted that dowry was a widespread social evil in India and legal provisions could play a major role in containing and limiting it, there were significant differences between them on several issues which eventually necessitated the convening of the first joint session of Parliament.

The first major difference, highlighted by A.K. Sen, Minister of Law (Congress, Lok Sabha), was an acceptable definition of the term dowry.[51] Clause 2 of the Bill read, 'dowry means any property or valuable security

given or agreed to be given—a) by one party to a marriage to the other party to the marriage; or b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or after the marriage.'[52] However, every gift given to a girl in marriage could not be construed as dowry. The Act attempted to penalize gifts given in consideration of marriage and not other gifts which parents wished to pass on to their daughter freely. Dowry as an institution, therefore, was understood as having an element of bargaining and coercion. There was a broad agreement in both the Houses, 'that nothing should be done in order even to create a doubt that bona fide persons or gifts were sought to be penalised'.[53] The Law Minister highlighted certain traditional dimensions of dowry as a mode of distribution of family property. However, apprehensions were expressed in both the Houses that provisions of the Act might be interpreted to even cover gifts of love and affection and thus could lead to large-scale harassment.

However, the point raised in either House was, 'whether something given indirectly and which would be given nonetheless as consideration for marriage would be prohibited under the Act and whether the definition was wide enough to include a gift made indirectly by way of consideration of marriage.'[54] While the Rajya Sabha inserted the words, 'directly or indirectly' in the definition, such a stance was not acceptable to the Lok Sabha. This was one of the major issues of contention that led to the convening of the joint session.[55]

The second disagreement was that the Lok Sabha thought it proper to make it quite clear in the introductory part of the Act that bona fide gifts should not be penalized. The Rajya Sabha, however, found it difficult to accept this amendment. Many members of the Rajya Sabha—as well some members of the Lok Sabha, particularly women—thought that this qualification would help people to be evasive, and all sorts of documents would be forged for the purpose of convincing a court of law that what was given or taken at the time of marriage was nothing but bona fide gifts.[56]

The third point of contention was whether the demand for dowry itself should be penalized. It was contended that this might throw the door open to voluminous proceedings all over the country at the instance of disgruntled parties whose daughters were not chosen as partners in marriage.[57] However, a majority of members in the Lok Sabha thought that this provision should remain and that it was necessary to penalize even the *demand for dowry* although there was considerable dissent even in the Lok Sabha.

The government proposed to the joint session that the first difference could be resolved by inserting the words 'directly or indirectly' as suggested by the Rajya Sabha, because it was important to make an impact on public opinion:

> ... that this house along with the entire country frowns upon every form of dowry, whether given directly or indirectly and from the point of view of social education, one of the primary objects of this bill being also to utilise it as a form of social

education. It will therefore be necessary to have these words 'directly and indirectly inserted in clause.'[58]

To contain frivolous litigation, the government proposed an amendment to the relevant clause as follows: 'Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the state Government or such officer as the State Government may, by general or special order, specify in this behalf.'[59] Renu Chakravarty (Communist Party of India [CPI], Lok Sabha) had grave misgivings about this amendment (no. 23) proposed by Hajarnavis, the Deputy Law Minister (Congress, Lok Sabha), since it would make charging and conviction of a guilty party well nigh impossible. She argued, 'the very proviso in it makes the whole thing (dowry bill) redundant…Think of our villages, think of our densely populated towns, think of the difficulties of litigation. If you think of this amendment in that background, it is as well if you had not tabled this amendment.'[60] It is interesting, however, that neither she nor the other members who intervened on this issue questioned the competence and impartiality of a state functionary to decide incidents of this kind. Her objection was on grounds of convenience rather than a principle.

The tension between the two Houses and their relative significance, however, came to be voiced in some interventions, which questioned the appropriateness of deleting a section of the bill proposed by one House by another. Renuka Ray (CPI) of the Lok Sabha, for instance, challenged any assumptions of superior competence harboured by any member of the Rajya Sabha. Addressing P.N. Sapru (Congress, Lok Sabha), she said, 'May I say that unlike Shri P.N. Sapru, I do not stand up for the prestige of the House that whatever we may have done we must stick to? Shri P.N. Sapru while he was speaking in the Rajya Sabha asked: "when the Rajya Sabha has passed certain things, how dare the Lok Sabha change them?" That was his main argument against it…I would like to say that the Lok Sabha which may not have the wisdom or the maturity of the Rajya Sabha can claim to be the House where sit the representatives of the people, can claim that they too can give some consideration to these matters, however lacking in wisdom they may be. Perhaps they know something of the day-to-day affairs in the remote villages and so on, and perhaps … will give this some attention.'[61]

However, the relative importance of the respective Houses was not the central issue of conflict in the session. In fact issues of difference and conflict cut across the members of the Houses. There were shared concerns on one hand and differences of perspectives and opinions on the other. The Prime Minister and Minister of External Affairs Jawaharlal Nehru referred to the other social legislations that the Parliament[62] had passed and felt that as far as women in India were concerned, 'it was a piece of legislation which helped to some extent to liberate them from old bondage, because there is no doubt

at all that in spite of the very high ideals that we may have and which our history gives about women, the fact of the matter is that in social life, social customs, social law etc., they have been burdened by many things which have prevented their growth.'[63] At the same time he admitted the limitations of such social legislation:

> Legislation cannot by itself normally solve deep-rooted social problems. One has to approach them in other ways too (like the process of education), but legislation is necessary and essential, so that it may give that push and have that educative factor as well as the legal sanctions behind it which help public opinion to be formed or public opinion which is being formed to be given a certain shape.[64]

He defended the explanation provided in the Bill which distinguished dowry from other gifts. 'But to avoid any doubt—it is obvious that certain personal gifts to the daughter or the other party cannot be considered dowry—it is put in there.'[65]

Members across both the Houses disagreed on the official who could certify that there were reasonable grounds to suspect that a charge made involved violation of the provisions of the Act. While N.G. Goray (Socialist Party, Lok Sabha) suggested that he should be a First Class Magistrate, Nehru thought that a Pradhan or a Sarpanch was good enough.[66] Such a response from Nehru drew an angry retort from Renuka Ray: 'We are not willing to leave it to a Sarpanch … We should not leave it to Sarpanches in whom feudal prejudices are there to a greater extent.'[67] Nehru, however, tried to ward off the suspicion of state functionaries and elected representatives in his characteristic way, saying,

> If a state government wants to function in that way, the word of law will not make much difference. It may delay matters by way of procedure. But I do not think that there is a state government—whatever may be your differences with them—who will in this matter proceed in a way of delaying or obstructing, because this is a general feeling in all. I admit that possibly … Sarpanches, etc., might take a more conservative view. There is a possibility of that, although the new Sarpanches are somewhat different from the old and they no doubt go on changing.[68]

Clearly Nehru was defending the institutional complexes of independent India as worthy of trust. However, there were many who did not share Nehru's optimism in this regard. Yashoda Reddy (Congress, Lok Sabha) felt that the Bill with its proviso for approval from a state functionary would open a Pandora's box for corruption: 'Not only will you not be able to prevent dowry—whether it is practicable or impracticable—but you are going to encourage corruption, because every time you want permission this is what would happen.'[69]

There were other members who raised the question whether legislation was the best way of contending against social evils. For instance, P.N. Sapru said, 'My grievance against this bill is that it sets before us a wrong ideal. You may abolish dowry by legislation; but you will not, by doing so, make girls get

married … the question is whether legislation is the proper method of tackling this problem.'[70] He argued the case for choice in marriage.

I think the ideal should be to allow parties to choose their partners in life. This system of arranged marriages should go. You have this institution of dowry because you have this system of arranged marriages. If you can do away with arranged and caste marriages, if you can move to a society in which young men and young women can freely choose their own partners in life, the problem of dowry will not be present.[71]

He pointed out, 'do not look upon marriage as universal. Our principal difficulty is that we think that marriage is essential for every woman. It should be left to the option of a girl or young man to decide whether she or he would get married, and, if so, when and to whom.'[72] He thought the proposed Bill would become infructuous because, 'it will be very difficult to prove the factum of the demand. What you will do is open the flood gates of perjury in your law courts.'[73] While he felt that certain interventions of the state may be justified, he qualified it saying, 'Laws should not be brought into contempt by being ignored'.[74] Clearly there was a marked difference with regard to the role of the state among members, irrespective of the Houses or the political party they belonged to!

Many felt that Sapru's arguments were impractical and too presumptive. Seeta Parmanand (Congress, Rajya Sabha) questioned P.N. Sapru, Amrit Kaur (Congress, Rajya Sabha), and others and said that only opportunities to mix and make arrangements for marriages could do away with the custom of dowry. She said, 'It is very easy to theorise, but I know that even M.B.B.S ladies … and M.A. and M.Ed ladies have to be married today … the evil is so deep that only giving education is not going to remove it. I might ask the honourable member where are the opportunities for people [of different sexes] to mix freely?'[75]

Even those who agreed that social evils such as dowry cannot be a concern of the state were not prepared to endorse the libertarian standpoint of Sapru. Acharya Kripalani (Praja Socialist Party, Lok Sabha), clearly on a throwback to Gandhian ideals argued that dowry, 'is such a disgusting habit and it is so much prevalent that nobody can check it, and no amount of resolutions of the Congress or legislation can check it. So I submit that this law will be as much a dead letter as the Sharada Act.'[76] He felt that that this habit could be counteracted by the organization of women, and they, on their own, resorting to 'some kind of satyagraha'.[77] He also felt that dowry was closely bound with the increasing commodification of life and suggested, 'Young ladies and the young men must see that their life is simplified and that they do not want all these modern gadgets to set up a household. If that is done, there will be no legislation necessary.'[78]

When the Bill was put to vote in the joint session, the explanation with regard to what constitutes dowry was rejected alongside several other amendments.

As approved by the joint session, the penalty read as follows: 'If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both; provided that no court shall take cognizance of any offence under this section except with the previous sanction of the state government or of such officer as the state government may, by general or special order, specify in this behalf.'[79]

This joint session clearly demonstrated that differences on this issue were not coterminous with membership of Houses or political parties. The differences were grounded on good reasons and eventually led to a much more fine-tuned consensus. The principal dramatis personae who debated this issue had the larger nationalist consensus to fall back upon. It is interesting that no one seriously raised the issue of the partisanship of the state as such in this session. The central issues of contention were between one set of functionaries who were construed as progressive and others as guardians of an old order, and the role and effectiveness of the state on social issues. The assertion of linguistic identities in the 1950s, the coming to power of non-Congress governments in states such as Kerala, and the rise of insurgency in Northeast India had not yet made a dent on a unified and singular conception of the nation state.

Banking Service Commission (Repeal) Bill[80]

The second joint session was clearly occasioned by the divide between the two Houses along party lines. Following the lifting of the Emergency, the Congress had suffered a major defeat in the 1977 elections to the Lok Sabha and the Janata Party and its allies had registered a huge victory. The differences between the Congress and the victorious combination in the Lok Sabha were basic in several respects. However, in the Rajya Sabha, the Congress still commanded a comfortable majority and it could employ the same to thwart attempts by the Janata formation to effect major changes in the polity. While the Janata Party succeeded in dismantling the Emergency regime to an extent due to a broad public consensus on this issue, including within significant sections of the Congress, on other issues such as economic policy and division of powers between the centre and states there was much difference between these two parties. The Congress could solicit the support of its erstwhile allies such as the CPI in opposing the latter. On the issue of the repeal of the Banking Service Commission, some of these differences were to come to the fore.

The Banking Service Commission Act was passed in 1975 and provided for the setting up of a centralized agency for the recruitment of staff in the nationalized banks. There was not much progress in constituting the Commission, except for the appointment of its Chairman and no system of recruitment had

begun under its auspices. Following the coming to power of the Janata Party in 1977, the government issued an ordinance disbanding the Commission. It introduced a Bill known as the Banking Commission (Repeal) Bill that was passed by the Lok Sabha on 5 December 1977. The Rajya Sabha, where the Congress enjoyed a majority, did not favour this Bill and made it explicit that it would not even extend a consideration towards it. The joint session was called to deliberate on this issue under Article 108 (a).

After much procedural wrangling,[81] H.M. Patel (Swatantra Party, Lok Sabha), the then Finance Minister, was allowed to move the Bill in the joint sitting of both the Houses. He argued that the government was firmly of the view that a system of recruitment of personnel in public sector banks based on the concept of a single centralized recruitment agency would make the recruitment process inefficient, unwieldy, and cumbersome, with serious consequences for the public sector banks. Such a process would seriously affect fair and balanced representation for rural areas, particularly to persons belonging to the more vulnerable sections of society, for employment in the banking industry. He said that it was important to ensure that all regions and all language groups had the opportunity to be recruited in the banks. Given the vast expansion of branches in the rural areas, he said, 'We have to take the utmost care to see that our branches are staffed by clerks and officers who are proficient in the language of the area they are working in. All this can only be ensured if the recruitment arrangements are fully decentralised.'[82] Anticipating the clerical recruitment alone to be 40,000 in the ensuing five years, he argued, 'It is hardly possible for a centralised machinery to cope with the task of recruitment on such a large scale. There is also no assurance that all the available vacancies will be filled in time to meet the manpower requirements of the banking industry. I may also add that from the very beginning the Reserve Bank of India had strong reservations on the establishment of a Commission for these very reasons.'[83] He felt that the system of recruitment must be consistent with the requirements on the ground.[84] He said that these reasons prompted the government to initiate measures to abolish the Banking Service Commission by seeking to repeal the Banking Services Commission Act, 1975. He saw no truth in the charge of the opposition that the government was trying to denationalize the banks and that it was not committed to the social and economic objectives for which the banks were nationalized.[85] He suggested a scheme wherein groups of banks with headquarters in a region would come together and set up common recruitment machinery. It would ensure, he surmised, a judicious combination of the benefits of common recruitment and advantages flowing from decentralization and for the purpose proposed seven recruitment boards across country.[86] Patel succeeded in highlighting some of the central concerns of his party: decentralization; fair representation to regions; a rural thrust to the economy; appreciation of regional languages;

and a critique of the centralized state as an inappropriate apparatus for policy in measures of the kind under debate. These concerns marked the Janata Party in opposition to the Congress.

Kamalapathi Tripathi (Congress, Rajya Sabha), leader of the opposition speaking in Hindi called the bill reactionary (*pratikriyavadi*) and backward-looking. He argued that the issue of the Commission was integrally bound with the nationalization of banks, which was meant to assist the common people. He attacked the policy to repeal the bill as a measure to strengthen the hands of vested interests.[87]

The use of the term 'reactionary' by the opposition and to don the mantle of progressivism led the ruling party and its allies to describe the Congress too in similar language. P. Ramamurti (Communist Party of India [Marxist], CPI [M], Rajya Sabha) addressing the Chair said,

> When the leader of the opposition Mr Kamalapathi Tripathi was speaking I had expected that he would go into the merits of the Bill … but he started with the word "pratikriyavadi", reactionary … I would like to remind him that reactionary means in our conditions anything that supports the growth of monopoly houses in this country, anything that supports the growth of concentrated wealth in the hand of a few is reactionary … The biggest concentration of wealth in the hands of monopolies has grown during the years after nationalisation of banks … nobody can deny this.[88]

George Fernandes (Samata Party, Lok Sabha), Minister of Industry, speaking in favor of repealing the act and directing his charge at the Congress argued that centralized agencies such as the proposed Commission were little equipped to carry on the task in hand, something that went in the name of 'progressivism' in the Congress! Defending his own government he said, 'What did we decide? We said decentralise them … this is supposed to be reactionary in the words of the hon'ble leader of the opposition Pandit Kamalapathi Tripathi. So, in the last ten years of the dynamic decade, words have ceased to have their meaning.'[89] Debunking the claims of the Congress to progressivism, he said, 'Between 1969 and 1975 … within a span of five years the assets of the 20 monopoly houses in the country increased from 2500 crores to 4500 crores.'[90] He argued that the measure proposed in the Bill was intended to be an ideological one too as it was meant to be a shift of priorities from urban areas to the rural and did not need a Ramamurti to provide an ideological certificate to it![91]

It is interesting to note that while the language of 'progress' and 'development' are in contestation, Left parties such as the CPI (M) were now getting critically engaged in the debate rather than trying to undermine the House as they threatened in the 1950s. Ramamurti argued that, while he did not see centralization as necessarily progressive, a certain percentage of jobs in banks, 'must be reserved for the Harijans and weaker sections of the community. It must be statutorily laid down. If you give directions and if directions are

ignored by the officials you cannot do anything about it.'[92] He also felt that the constitution of boards of recruitment should be placed in the hands of central and state governments concerned rather than in the hands of bank managements. He committed the support of his party to the Bill as it upheld, 'a certain amount of decentralisation'.

The Congress countered the arguments of decentralization by pointing out the unevenness that it was likely to reinforce. Countering Fernandes, Pranab Mukherjee (Congress, Lok Sabha) said that the scheme of the Janata government would 'only perpetuate the distortions ... prevailing in the recruitment of banking sector', exacerbating existing unevenness. It was unlikely to respect the reservation policy. Besides, the recruitment policy that was proposed was not in tune with the nature of the operation of the banks: 'Each and every nationalised bank, the 14 nationalised banks in all, the scheduled banks and the commercial banks have assumed an all-India character. Therefore how can you say that you are going to recruit the particular people from the particular area to serve the particular banks when the banks are operating all over the country?'[93]

The motion, however, went in favour of the government with 439 'ayes' and 208 'nos'. The division of the Parliament in this joint sitting was very different from that of the first. Party lines had become impermeable. If a party possessed preponderance in the Lok Sabha, the Rajya Sabha had little role in shaping policy. The Lok Sabha itself spoke the language of federalism and diversity, giving the impression that the Rajya Sabha was superfluous. In such a situation, the role of the Rajya Sabha was to contain the majoritarian thrust of the Lok Sabha and to be the guardian of the rights of the minorities and the dispossessed. Paradoxically, the Janata regime, in the absence of a clearer perspective on the Rajya Sabha, was walking into a trap in spite of winning the motion in the joint sitting. It was being edged out by the opposition through the Rajya Sabha from some of the key social constituencies that supported it in 1977.

Prevention of Terrorism Bill[94]

The third joint sitting of the Houses in March 2002 was in the context of a major stand-off between the opposition and the ruling National Democratic Alliance (NDA) led by the Bharatiya Janata Party (BJP). Following the Godhra incident,[95] there were widespread communal riots in Gujarat and the state apparatus was widely seen as partisan towards the majority community and positively hostile towards Muslims. Earlier, on 13 December 2001, there was an attack on the Parliament by an Islamic terrorist outfit which claimed the lives of six security personnel and the government was widely seen as being inept to prevent a security lapse of this magnitude. In this context,

the then government was actively attempting to build up a global network against terrorism and the initiative of the United States against Islamic terrorist outfits, following the 9/11 attacks, proved highly conducive to its own efforts in this direction. The Indian government was also targeting Pakistan for harbouring terrorists. It had already issued an ordinance in October 2001 on the prevention of terrorism that came to be introduced in the Lok Sabha as a Bill in 2002.

The Lok Sabha passed the Bill on 18 March 2002 but the Rajya Sabha refused to consider the Bill almost in the same fashion as it did the Banking Service Commission Bill in 1978. The joint sitting of the Parliament therefore was held on 26 March 2002.

The Godhra incident and the riots in its wake all across Gujarat in February and March 2002 cast their spell on the deliberations of the House. While development was the central concern in 1978, it had given way to a strong state and the issue of citizenship loomed large in 2002.

As soon as the Secretary General laid the Bill on the table the proceedings of the session were interrupted by mention of the Gujarat developments. While the government saw the Bill as directed against terrorism and as an integral part of the worldwide network against terrorism, the opposition saw it as a device reinforcing communalism, circumscribing citizenship rights, and reinforcing the coercive apparatuses of the state in India. In one of the early interventions on the debate, Raghuvansh Prasad Singh (Rashtriya Janata Dal, Lok Sabha) said, 'By bringing this bill, the government are dividing the country into parts.'[96] The Home Minister L.K. Advani (BJP, Lok Sabha) built up the argument that the country was not merely confronted with terrorism but state-sponsored terrorism. To combat it, the tools that were required were very different from those needed to contain simple terrorism. Further, he compared such state-sponsored terrorism as 'a kind of war' that posed 'a challenge of a qualitatively different nature' and not just a 'law and order problem'.[97] He thought that in case citizens' rights are violated in the process of the implementation of the proposed Act, they 'have the right to knock at the doors of the judiciary and seek protection of their fundamental rights.' At the same time he suggested, 'That in a situation of war, those fundamental rights can be suspended.'[98] He quoted extensively from the *Kartar Singh* v. *The Government of Punjab* case where the Supreme Court had argued that the liberty of a citizen must be seen in conjunction with 'the collective interest of the community and the safety of the nation so that the public may not lose faith in the system of judicial administration and indulge in private retribution'.[99]

Against such an argument, the opposition clearly pointed out at the communalization of the state and how such a state was targeting the rights of the minorities and the obvious instance they picked up was that of Gujarat.

Speaking against the motion, Sonia Gandhi (Congress, Lok Sabha) argued that the Bill under discussion was meant 'to project the issue of national security as a tool, as a partisan tool of propaganda' and it clearly 'violated basic human rights.'[100] She said, 'To begin with, POTO [Prevention of Terrorism Ordinance] was used to ban organisations in a partisan manner... The Gujarat Chief Minister used it in a astonishingly sectarian manner, namely, against only those perpetrators of the killings of Godhra. He did so on the basis of contrived distinction that one set of victims were the victims of terrorism and the other set of victims were actually the victims of rioting.'[101]

Apart from the moral deficiency of this law, Sonia Gandhi pointed out what she called 'critical shortcomings' of the Bill, such as, 'a review committee in which a majority of members are government appointees; a presumption under which a person is virtually deemed to be guilty until he proves himself to be innocent; the defective definition of terrorism in the law; admissibility of confession to the police, which could be extracted through mental and physical torture as evidence and the provision for not disclosing the names of witnesses to the accused under certain circumstances.'[102] She argued that the system of justice that would be institutionalized by POTO would be 'a system of injustice and such a system is repugnant to the fundamentals of democracy.'[103] She accused the government of institutionalizing a politics of hate in the name of preventing terrorism. Gandhi was foregrounding citizenship and rights as an important consideration of her party and was putting the BJP-led NDA coalition in the dock for its moral shortcomings.

From the Left, Somnath Chatterjee (CPI [M], Lok Sabha) considered the Bill 'nothing but a declaration of war on the ordinary people of this country'[104] and said that it had been brought, 'to terrorise the minorities and the opposition parties.'[105] It was Mulayam Singh Yadav (Samajwadi Party, Lok Sabha) who saw in the Bill an attempt by the state to directly target Muslims. He also argued that '... as the Rajya Sabha represents all the states and it is the state governments which would implement the laws after its enactment, its police will implement it. When the Rajya Sabha had returned the bill, the Government should not have convened the joint session sitting and it should have honoured the opinion of the Rajya Sabha.'[106] In his argument that 'It will be misused by you against the Muslims and the political opponents,' Yadav almost echoed Somnath Chatterjee.[107] He wondered how people like George Fernandes who were part of the ruling dispensation would have survived if a law like POTO had been on the rule book during the Emergency.[108] H.D. Deve Gowda (Janata Dal [Secular], Lok Sabha) pointed out that the nation was not the 'monopoly of any community or any one religion.'[109] While arguing for national unity he dilated on a hermeneutic of Hinduism and said that the Vishwa Hindu Parishad (VHP) should not be allowed to certify who is a Hindu.[110]

It was the two members of the legal fraternity who provided the most informed intervention on the Bill although from opposite sides. Arun Jaitley (BJP, Rajya Sabha), in his capacity as the Minister of Law, Justice, and Company Affairs, strongly defended the Bill. He countered Mulayam Singh Yadav saying, that all state governments without exception expressed their desire for such a law.[111] Kapil Sibal (Congress, Rajya Sabha) on the other hand painted the ruling dispensation as undemocratic and saw the proposed law as merely an expression of a perspective that ingrains it. He threw scorn at the ruling coalition saying, 'It is ironic that those who swear by POTO also swear by democracy. The manner in which POTO is being pushed through with the iron fist of a brutal and brutalised majority is contemptuous, undemocratic, in disregard for the feelings, fears and insecurities of millions of our citizens.'[112] He argued that the track record of the police with regard to protection of civil rights of citizens is despicable in India and POTO would confer, 'drastic powers on the very police who under ordinary law act in a rampant manner.'[113] Raghuvansh Prasad Singh (Rashtriya Janata Dal, Lok Sabha) drew attention to the partisanship angularities of the proposed Bill.[114]

One of the clearest defences of the Bill was advanced by Purno A. Sangma (Nationalist Congress Party, Lok Sabha). He distinguished between different types of terrorisms and put forward the argument that the type of terrorism that is spreading across India could not be handled by the existing legal system and it called for the kind of measures envisaged in the Bill. While the discussion generally revolved around pragmatic considerations, there were strong ideological orientations to certain interventions. R.S. Gavai (Republican Party of India, Rajya Sabha) countered the Bill because according to him it was, 'contrary to the spirit of human dignity, liberty and equality', principles held central to the polity by Ambedkar.[115]

Atal Bihari Vajpayee (BJP, Lok Sabha), the Prime Minister, attempted to wrest the moral initiative for the ruling dispensation against the attack of Sonia Gandhi, the opposition leader. According to him a Parliamentary minority cannot lay claim to the moral domain which they are not prepared to admit to the majority. He did not seek from the opposition the endorsement of the legitimacy of his government.[116] Vajpayee's defence was highly problematic and was an endorsement of majoritarianism wrapped in moral claims. This Bill eventually came to be passed by 425 'ayes' and 265 'nos' establishing the decisive edge of the Lok Sabha in endorsements of this kind.[117]

In many ways, this joint sitting highlighted the significant changes that the relation between the Rajya Sabha and Lok Sabha had gone through over the years. The Rajya Sabha had the capacity in a system of alternating coalition regimes to delay and obstruct ideologically directed authoritarian measures but not prevent them altogether if the ruling coalition enjoyed an overwhelming majority in the Lok Sabha. Further, the Rajya Sabha could become the

central institution for the defence of citizen rights and a sane polity if such defence found a responsive chord in the public sphere. There was an expanding spectrum of perspectives that this sitting highlighted, compared to the dual stance in 1978. There were new issues that came to the forefront, such as, democracy, citizenship rights and the province of the state. There were larger philosophical claims such as 'majoritarianism' and its questionable claim to quarantine the moral domain. While there was no strong correlation between the membership of the House and the stand that a member took on the Bill, concerns of diversity, federal nature of polity, and the need to prioritize a moral domain drew attention to the need of a Rajya Sabha that could stand apart from the immediate exigencies of electoral politics. However, irrespective of the House that a member belonged to, there was the closing of the rank behind his/her respective political parties and coalitions. There is no doubt that at least some of the voices were silenced by the provisions of the Anti-defection Law!

Apart from such substantial disagreements reflected in joint sittings, conflicts have arisen between the Houses on jurisdictional issues. A case in point was the argument for the precedence of the Lok Sabha for introduction of the Council of Ministers mounted in the Lok Sabha in 1997.[118] P.R. Munshi (Congress, Lok Sabha) speaking for this position said, 'The Prime Minister's duty is to inform the Lok Sabha first about their induction in the Council of Ministers and introduce them here. First priority is Lok Sabha. If the Lok Sabha is treated in this manner, it is not fair … It is the obligation of the Prime Minister to come to the Lok Sabha first.'[119] At this, Srikanta Jena (Janata Dal, Lok Sabha) rushed to the defence of the Prime Minister saying, 'There should not be an impression that there is a conflict between the Lok Sabha and the Rajya Sabha.' However, Munshi defended himself saying, 'We are not casting aspersions. We are talking of the tradition of Parliament and the Lok Sabha. The Lok Sabha is supreme in this matter and the Prime Minister is under obligation to the Lok Sabha'.[120] Rajesh Pilot defended his party colleague saying, 'Shri Srikanta Jena, these are traditions to be upheld. It is not a question of priority between Rajya Sabha and Lok Sabha. These are the traditions of democracy. They should be introduced first in the Lok Sabha. Please maintain that tradition.'[121] Again, this stress on tradition was new although not surprising given the fact that there was a coalition government and the Congress Party was arrogating to itself the role of being the guardian of the tradition.

THE CHANGING RELATION BETWEEN THE LOK SABHA AND THE RAJYA SABHA

In the early days of dominance of the Congress, the Rajya Sabha did not have much of a role to play. Members in 1952, for instance, raised such issues as displacement of tribals from forest lands,[122] supply of water facilities, cleansing

of rivers, insensitivity of the bureaucracy, railway zones, etc.[123] These issues could have been raised and were raised in the Lok Sabha as well. There is no evidence to suggest that the Rajya Sabha played any different role than the Lok Sabha when agitations came up to carve out state units on linguistic basis. However, with the decline of one-party dominance, the significance of the Rajya Sabha has increased as the joint sittings discussed demonstrate.

In the 1970s with the mounting tempo of the primacy of the Parliament, the Rajya Sabha was increasingly seen as being outdated.[124] In the *Keshavanand Bharati* case, federalism came to be accepted as a basic feature of the Constitution. In the late 1970s, however, the Rajya Sabha became assertive as the Congress held the majority there while it was in the opposition in the Lok Sabha. The 44th amendment to the Constitution, a major achievement of the Janata Party regime, 1977–9, was passed by the Rajya Sabha, despite the majority of the Congress Party in the House. This was largely due to the factions within the Congress Party at this juncture. However, to rope in some of these factions in support, the bill had to be amended substantially. These changes themselves reinforced the role of the Rajya Sabha enormously.

Whenever the government of the day did not achieve a majority in the Rajya Sabha, it tended to tread cautiously. Even a proclamation issued by the President under Article 356 in relation to the state of Bihar, and despite being adopted by the Lok Sabha, had to be revoked as it was sure to face defeat in the Rajya Sabha. While in the era of changing electoral prospects of political parties and particularly coalition governments the significance of the Rajya Sabha has enormously grown, it is not a development on which it can pawn its rationale.

DOMICILE AND MEMBERSHIP OF THE RAJYA SABHA

The Representation of the People Act, 1951 stipulated that a person would not be qualified to be chosen as a representative of any state or Union Territory in the Council of States unless he is an elector for a Parliamentary constituency in that state or Territory. The electoral law for registration as a voter was based on the criterion of 'ordinarily a resident in a constituency'. However, we find over the years many members of the Rajya Sabha being elected from states of which they were not residents or have had little ethnic or linguistic affiliation with people ordinarily resident in that state. Quite often such members were important politicians who were either defeated in the Lok Sabha elections or had no capacity to win an election. With the growing strategization of electoral campaigns, some of the larger parties increasingly felt the need to retain some of its important leaders for campaigning all over the country rather that confine them to the bounds of a Lok Sabha constituency of their contest. Such members were accommodated by these parties in the Rajya Sabha. The

domiciliary issue had become a sensitive one in the 1990s when T.N. Seshan, the then Election Commissioner, sought to disqualify Manmohan Singh, a Rajya Sabha member and Finance Minister in P.V. Narasimha Rao's government, on the ground that he did not ordinarily reside in Assam and therefore did not fulfil the legal qualification for the membership of the House. Over the years, other notable politicians who could have been similarly targeted were Venkiah Naidu of the BJP, elected from Karnataka, O. Rajagopal (BJP), elected from Madhya Pradesh, and Kapil Sibal of Congress, elected from Bihar. In August 2003 the domicile requirement was done away with through an Amendment of Section 3 of the Act that replaced the words, 'in the state or territory in India'. The amendment also made the election of the Rajya Sabha members open rather than being a secret as had been the case so far.[125] This amendment was supported by all political parties except the Left.

Against this change of the domiciliary requirement Kuldeep Nayyar and Indrajit Singh filed a Public Interest Litigation (PIL) case that this amendment violated the basic structure of the Constitution. They argued that such a requirement was the basic principle behind the Council of States and that the Parliament in 1951 prescribed the domiciliary qualification in the electoral law. They pleaded that anyone who is not a resident of the state should not be eligible to contest elections to the Rajya Sabha. The PIL also sought that elections to the Rajya Sabha should not be open but secret.[126]

The five judge bench headed by Chief Justice Y.K. Sabharwal and consisting of Justices K.G. Balakrishnan, S.A. Kapadia, C.K. Thakkar and P.K. Balasubramanyan passed a unanimous judgement in favour of the amendment mentioned earlier. The bench also held that it is important to distinguish between general elections and elections to the Rajya Sabha. In the latter case it is primarily representatives belonging to political parties who cast their votes. The court did not see any problem in the open ballot system for the membership of the Rajya Sabha particularly since the amendment had been brought in on the basis of the need to avoid cross-voting and wipe out the evil of corruption as also to maintain, what the Court termed, 'the integrity of our democratic setup'.

On the petitioners side it was argued that there should be a definitive 'territorial link' between the Rajya Sabha member and his position as a registered elector in any Panchayat or municipal area in the state; that it is part of the constitutional scheme and the structural composition of the Council of States was at stake if this link was snapped. The Court drew up a series of arguments against such an easy equation. It pointed out that the 'territorial link' applies equally to the members of the Lok Sabha and those of the state legislatures, and not just of the Rajya Sabha. The purpose of such a linkage is to equip the fellow electors with knowledge about local problems and strengthen democracy. Further, there is no explicit constitutional provision

prescribing the requirement of residence to the qualification of membership. The Bench also felt that domiciliary requirements could lead to all kinds of false declarations of residential proof and therefore did not necessarily lend to strengthening integrity. The Court further argued that residence was, 'a matter of qualification prescribed by Parliament in exercise of its power under Article 84 of the Constitution, and so the question of violation of basic structure does not arise.'[127]

While this judgement and the petition that necessitated it raised important issues, a larger issue did not get highlighted in this case—the specific rationale of the Rajya Sabha.

QUALITY OF DEBATES IN THE RAJYA SABHA VIS-À-VIS THE LOK SABHA

It has been generally held that the quality of debates in the Rajya Sabha is of a higher order, and while there are disruptions and interruptions in the functioning of the House, they are much less in comparison to the Lok Sabha.[128] While it is extremely difficult to verify such a stance we decided to throw some light on it by examining the debate on the Godhra incident and the communal carnage that followed in its wake. This was an incident that shook the foundational principles of Indian polity, called into question the nation's policy to minorities, and was an issue of worldwide debate.[129]

The Lok Sabha and the Godhra Issue

The Lok Sabha debate on the Godhra incident and the communal carnage that followed it took place from 11 to 14 March 2002 under Rule 193. The structure of this debate was as follows:

(1) The Congress, the Left, and the Socialists decried the Godhra incident in which nearly 60 *karsevaks* were burnt alive in the Sabarmati train on their way back from Ayodhya in the communally sensitive Godhra town in Gujarat. However, they primarily targeted the communal carnage that followed in its wake in which there was much looting, burning, rape, and brutal killing of over a thousand people, predominantly Muslims, by mobs mobilized by the VHP and other Hindu organizations. An active complicity of the state apparatuses in this massacre was directly alluded to by all these three political groupings. They vividly described the failure of the state machinery in Gujarat and its active collusion in perpetuating such carnage. Their target of attack remained Narendra Modi, the Chief Minister of Gujarat, and they sought his resignation and imposition of central rule in the state. L.K. Advani, the then Home Minister, became their target of attack too and the Congress and the Left spokespersons sought his resignation. The biggest crime that he was accused

of was not sending the army in time to the state and, therefore, by default, being in league with those who carried out the crimes. All these three political formations thought that the communal carnage was an assault on Indian secularism hitherto unparalleled. They highlighted the numerous instances of the communalization and ghettoization of Gujarati society. All of them called for strong state action to contain the communal orgy. We may consider the arguments of Priyaranjan Dasmunshi (Congress, Lok Sabha), Somnath Chatterjee (CPI [M], Lok Sabha), and Mulayam Singh Yadav (Samajwadi Party, Lok Sabha), the spokespersons of these three parties/party groupings to illustrate the case:

Priyaranjan Dasmunshi of the Congress, charging L.K. Advani who was generally credited by his partymen for efficiency and discipline, said, 'Our home minister is in North Bloc. The distance between Ahmedabad and North Bloc is not the distance between Los Angeles and Delhi. The IT revolution has provided all facilities to get a message to all parts of the country including a "tehsil" to the Home Minister's desk in less than fifteen minutes ... [but even] ... thirty hours after the incident the Home Minister could not appraise the House and could not inform the House about what happened.'[130] He also drew attention to the Parliament's united resolve to combat terrorism following the attack on the Parliament on 13 December 2001. He pointed out that such unity has been ephemeral given the fact that Gujarat resonated with the slogan, 'The person who favours Hindus will rule the country.'[131] He pilloried the government for waiting till 2 March to address the nation and appeal to the people for calm. He demonstrated through a number of examples how the state apparatuses in Gujarat have largely collapsed to the Hindutva insinuation. He highlighted the humiliation that Muslims were subjected to by the marauding Hindutva gangs and played puns on the term '*Ramsevaks*' (literally, servants of Rama). Targeting L.K. Advani, he rhetorically asked, 'What sort of a person this home minister is (sic) whom you project as Sardar Patel of today?'[132]

One of the most consistent articulations of the position of the Left was advanced by Somnath Chatterjee. He called the post-Godhra period 'the worst type of state sponsored mayhem on innocent people'.[133] He called it a 'well organized massacre and annihilation of innocent people only on the basis that they belong to a particular religion ... you belong to this religion and therefore you have to suffer. You will be massacred. Your houses will be burnt. You will be killed. Children were killed in the presence of their parents. Husbands were killed in the presence of their wives. Wives are raped in the presence of their husbands and children. These types of incidents take place only because a particular individual belongs to a particular religion.' He produced extensive data from newspapers to corroborate his position and said that

the "'ghettoisation" in Ahmedabad is complete'.[134] It was a long and brilliant intervention on the issue. He said, 'This is the politics we are against. Sir, this, the politics of the VHP of course, nurtured and bolstered by the BJP.'[135]

Mulayam Singh Yadav attempted to formulate a socialist stance to community relations in India while criticizing the BJP. He felt that issues of conflict between Hindus and Muslims can be resolved only through dialogue. He argued that the BJP is an integral unit of the Sangh Parivar and cannot disown actions of such organizations as the VHP. He chastised the Parivar for arrogating to itself the authority of being the sole spokesperson of Hinduism and sought to distinguish between being communal and being religious. He drew attention to the differences between the Prime Minister and Home Minister and highlighted the inefficiency and irresponsibility of the latter. He thought that the disposition of the central government to rush to the defence of the Modi government in Gujarat was a callous partisanship with the perpetrators of violence on the Muslim minority. However, he was repeatedly interrupted by the BJP particularly for his denunciation of the so-called Ram devotees.

(2) The BJP and its allies in the ruling coalition took up a position markedly different from that of the Congress, the Socialists, and the Left. The former primarily focused on the Godhra incident and the killing of the karsevaks, attributing it squarely to organized Muslim fanaticism. Some of them discreetly suggested that Muslims are an internal enemy, in league with Pakistan, and need to be instructed in lessons on patriotism. The spokesperson of this position accused the Congress, the Socialists, and the Left of not recognizing the sinister motives of Muslim terrorists and patronizing them. These three parties were also accused of perpetuating Hindu hatred. Most of the spokespersons for this position attempted to draw an impassable line between the Hindus and Muslims. They also suggested that the Godhra incident was a planned conspiracy and suspected an external hand in it. Often this external agency was identified with the Inter-Services Intelligence, the official secret service agency of Pakistan. The communal riots in Gujarat during the Congress regime were highlighted and attention was also drawn repeatedly to the massacre of Sikhs in the 1984 riots in Delhi to pillory the Congress. The secular credentials of the Congress were questioned over and over again to deny it the advantage of a principle.[136]

We can illustrate this stance by referring to the speech of Vijay Kumar Malhotra, the principal spokesperson of the BJP in this debate: 'Mr Chairman Sir, the incidents that occurred during rioting in Godhra or in any other parts of Gujarat are ghastly and condemnable'. He expressed his solidarity with the victims of the communal riots but it sounded like mere lip service. He elaborately described the burning of the karsevaks in the train, but connected the communal riots to the previous history of such riots in Gujarat and applauded

Narendra Modi for bringing them under control speedily, while some of the past communal riots, ostensibly under the Congress dispensation, had continued for months on end. He was sarcastic when referring to the secularists, whose two prominent members he identified as Sonia Gandhi (obviously hinting to her foreign origins) and Banatwalla, the leader of the Muslim League (alluding to the role of the Muslim League in the partition of the country). He argued that the mass upsurge following the Godhra massacre had overwhelmed the state apparatuses on account of which a few lapses might have occurred in maintaining law and order. He tried to associate the perpetrators of the Godhra killings with the Congress and argued that the opposition was attacking Advani who himself had been the target of suicide attackers hailing from outside the country.[137] He denied any association of Hindu organizations with the communal riots.

There were angry confrontations in the House when the BJP tried to appropriate the Hindu constituency to itself. Renuka Choudhury (Congress) and Mulayam Singh Yadav, for instance, openly clashed with Anant Gangaram Geete (Shiv Sena) on this count.[138] H.D. Deve Gowda pointed out that he was proud to be a Hindu, although he was born low in the social hierarchy and much more so because the Hinduism that he believed in was different from that of the votaries of Hindutva.

(3) A third stand in the debate was highlighted in the speeches of the spokespersons of smaller parties such as the Telugu Desam Party (TDP) and Dravida Munnetra Kazhagam (DMK), which were at the time members of the ruling NDA alliance, and other parties which were in the opposition. While they did not agree among themselves they often highlighted important issues. The TDP spokesperson, Sree Yerrannaidu, accused the Gujarat government of poor governance and highlighted the weaknesses of its state apparatuses to cope with communalism. He also accused the Congress for making irresponsible statements on the Godhra issue to score political mileage. He did not give much credence to the ideological insinuations of Hindutva or the secular credentials of the Congress and the Left and stressed utility considerations as central to good governance. Sree Yerrannaidu said that, 'the Telugu Desham Party does not believe in the action–reaction theory', a phrase that Modi had apparently advanced to explain the communal carnage in Gujarat as a reaction to what happened in Godhra. He argued that an elected government should protect the integrity and the lives and property of the citizens when some internal disturbances occurred in its zone of jurisdiction rather than let a group settle its scores with another. He felt that with the past experiences of riots in Gujarat, 'The government should have analysed the situation and taken all the precautionary measures when the bandh was called by the VHP and the BJP'.[139] He, however, did not hold the union government or the Home Minister accountable for failure to contain the riots.

The DMK highlighted the prime importance of state power and its effective deployment in situations of this kind. S.S. Pallanimanikam of the DMK, while praising Prime Minister Vajpayee, upheld the argument of his TDP colleague. He said, 'Police as the arm of the governmental machinery must not be allowed to remain a mute spectator and merely watch the vandalism along with the antisocial elements and social miscreants.'[140] He drew attention to the responsibility of government to protect life and rights and when state governments derelict their duties, the centre should have the right to intervene in a state.[141] Taking such a stance, he argued that the Home Minister had been soft with regard to the situation in Gujarat.[142]

What is interesting is the similarity between the stances of the TDP and DMK that were part of the ruling NDA alliance on one hand, and small opposition parties such as the Janata Dal (Secular) [JD (S)] on the other. These parties had a fairly long experience of running state governments. Deve Gowda speaking for the JD (S) felt that the civil services in Gujarat had become deeply politicized. He thought that the attempt by the Chief Minister of Gujarat to explain the riots in terms of action and reaction was not justified because the government exists precisely to counter such an outcome.[143] Being in the opposition helped him to term the riots as 'state sponsored terrorism'[144] although the use of the word did not weigh him down as much as it should have! All smaller parties underscored the need of a strong state to tackle communal riots.

Ideological stances were not uncommon among small parties. Party spokesperson of the All India Anna Dravida Munnetra Kazhagam (AIDMK), P.H. Pandian, for instance, pointed out that the majority had been ill treated in India. However, he also defended the rule of law and decried people taking the law into their hands.[145] G.M. Banatwalla (Muslim League Kerala State Committee) called the riots a 'virtual and systematic genocide of the Muslim minorities … there has been an inexcusable connivance by the state authorities with the anti-minority massacre and the holocaust.'[146]

While the parties and party formations held on to their respective stances, there were a few members who drew attention to the specific context of the riots and the way the state government had gone around handling them. Few parties had at their disposal precise ground level information independent of the mass media and briefs of state agencies. One of the important speakers from the BJP to highlight such a perspective was Harin Pathak, Minister of State in the Department of Defence Production and Supplies of the Ministry of Defence. Refuting the charge of the opposition, Pathak pointed out that there was no partiality in admitting Hindus and Muslims to civil hospitals for treatment after the riots, as was claimed by the opposition, and provided detailed figures in this regard. He also referred to the long-drawn communal history of Gujarat starting from 1740, with the 1969 riots as the worst of them

all claiming 5,000 lives, and in the process questioned the secular credentials of the Congress regimes in the state. Pathak employed the same stick to beat the Congress with that the latter had employed against the BJP, with better data but to defend a case that was indefensible.

Such contextual reading of the situation which tended to exonerate the government from responsibility for the communal carnage was not acceptable to others. Shankar Singh Vaghela, an important leader of Gujarat, who had moved to the Congress from the BJP a couple of years prior to the Godhra incident, called the post-Godhra riots a state sponsored massacre,[147] a term that was repeated by several speakers in the debate. Some of Vaghela's most important charges against the government were the carelessness of the government in letting the riots proceed for four to five days; L.K. Advani, the Home Minister, not visiting his own constituency of Gandhinagar in Gujarat; non-deployment of the army for several days; not paying the same compensation to the victims of the communal riots as those of the Godhra incident; and wanton destruction of property worth thousands of crores. He held the BJP responsible for fomenting the riots in order to polarize the majority against the minority for the purpose of reaping electoral dividends.

There were others who drew attention to the other aspects of the immediate political context. Rashid Alvi (Bahujan Samaj Party) felt that the political situation in Gujarat was turning in favour of the Congress and to counteract it, the BJP precipitated the riots. He accused the BJP of 'trying to gain political mileage over dead bodies.'[148] He said that there cannot be wanton destruction in the name of historical reparation and any such endeavour will stoke a raging fire that threatened the very existence of the nation.

Certain issues in this debate are highly noteworthy. Major opposition parties such as the Congress and Socialist parties attempted to connect the Godhra incident and the communal riots that broke out in its wake to the ongoing Ayodhya turmoil and the demand for building the Ram temple in the place of the demolished Babri Masjid, thereby highlighting communalism as the single most important issue before India. The BJP tried to project terrorism and minority appeasement as the most important challenges.

The media played a major role in highlighting the important features of the communal divide and the targeting of the Muslims in Gujarat. The information adduced by the media and its perception of the issues became significant inputs in the Lok Sabha debate. There were extensive quotations from papers such as the *Hindustan Times*, *The Times of India*, and *Indian Express* that laced the debate. There was not much evidence of independent research or party network as an important resource or as an equally valued source of information. Besides, the grip of the party over its members was writ large in the entire deliberation. The debate and interventions largely followed the party line. Only top leaders like Advani could depart from the strict

party line and even checkmate the flawed enthusiasm of some of his party members.

The most notable aspect of this debate was the way Advani, the Home Minister, the target of attack of the opposition and even of some members of the ruling coalition rebutted the charges against Gujarat and his own governments. He denied most of the accusations levelled by the opposition. He condemned both the Godhra violence as well as the post-Godhra riots. He also put forward a fairly convincing explanation that the central government had been highly responsive to its constitutional responsibilities and if there was a failure, it had little to do with the failure of the state in this regard. In fact, by the time the Home Minister had finished he had clearly turned the tables on the opposition.[149]

The Rajya Sabha and the Godhra Issue

The discussion of the Godhra incident and the communal riots that followed in its wake all over Gujarat[150] in the Rajya Sabha was as intense and passionate as it was in the Lok Sabha and generally traced the same trajectory that we have outlined for the Lok Sabha discussion as well. There were only a few moments when it promised to explore certain dimensions not highlighted in the Lok Sabha. While party divisions were almost impassable in the Lok Sabha, in the Rajya Sabha some members argued the need to transcend party divisions on this important issue and arrive at a principled agreement. Such a concern was expressed by Pranab Mukherjee (Congress) as follows: 'When I wanted to raise a discussion on this issue, it is not with the objective of scoring a point, putting someone in the dock, but with the objective to have an introspection, a deep introspection, searching into our soul, because we, the assembled representatives of the various states in the Council of States, which is the House of Elders, owe a responsibility to the nation.'[151] A similar stance was taken by Kapil Sibal (Congress), Arun Jaitley (BJP), and others. However, the debate remained party-political and acrimonious as in the Lok Sabha. There was much stronger concern of the international fall-out of the Gujarat riots in the Rajya Sabha in comparison to the Lok Sabha. Pranab Mukherjee drew attention to it saying, 'People living abroad would consider that in the largest functional democracy of the world, the minorities are not safe,[152] as did Nilotpal Basu (CPI [M]), who said, 'All over the world wherever there are democracies, the maturity of a nation is known by the extent to which a nation or state can really protect its minorities.'[153]

The Rajya Sabha debate, however, brought out much more poignantly the predicament of Muslims all over the country through spokespersons from the community itself which was not the case in the Lok Sabha. One of the most powerful interventions in Urdu in this regard was made by Mohammed Azam

Khan (Samajwadi Party) who argued that the ruling regime was upholding a two-nation theory in practice and had employed all possible resources to paint Muslims as the sinister other. He pointed out that Muslims no longer had any say on issues that intimately concern them and other minorities, including their identity. He said even the next generation is held captive by a hostile milieu: 'Our children cannot write the examination because the bus they would travel by could be burnt just because they are our children and in the process 50 other children in that bus will be burnt as well.'[154] He sought to know whether the nation wanted to send 18–20 crore Muslims of the country on *Hizrat* (exile) and to which country.[155] When S.S. Ahluwaliya (Congress) and Sanajy Nirupam (Shiv Sena) accused him of incitement, he said that his was the feeble voice of a marginal person. He said that there was a time when voices such as that of Abdul Kalam Azad told Muslims fleeing to Pakistan that their heritage—the Jumma Masjid, the Qutab Minar, the Taj Mahal, and others—was behind them, and these calls held them back in India but now the nation was trying to disown them.[156]

There were of course a thick set of metaphors that were employed in the Rajya Sabha: Nilotpal Basu (CPI [M]) called the ongoing communal carnage an 'organised, pre-planned, genocide' and drew strong parallels to the slaughter of Jews in Nazi Germany. Further the DMK, an ally of the ruling NDA, took a much more forthright stand condemning both the Godhra incident and the subsequent riots.[157] There were stronger and much more determined calls for the dismissal of the Gujarat. The defence of the government by Arun Jaitley (BJP) was repeatedly interrupted and L.K. Advani (BJP) rehashed a set of predictable lines exonerating his government from responsibility while defending Narendra Modi, the Gujarat Chief Minister. Both Jaitley and Advani contrasted the way they had handled the riots with the way Sikhs in Delhi were wholly left to the mercy of the marauding mobs in 1984 under the Congress regime.

What was interesting was the demand for a strong state that Eduardo Faleiro (Congress) and Shabana Azmi (Nominated) mounted to contain and combat communal riots. The latter particularly argued that decisiveness of political authority would have gone a long way in holding the administration on track and not made it a prey to communal insinuations. Interestingly, several leaders of smaller parties in the Lok Sabha too had taken such a stand. Representatives of minorities seemed to favour a strong state in situations of communal riots.

The communal riots in Godhra continued to figure in the deliberations of the Rajya Sabha subsequently leading to the adoption of the following unanimous resolution on 7 May 2002, a resolution which was termed by the Chairman of the House as 'a testimony of the spirit of accommodation, adjustment and resilience of our democracy'. It read as follows: 'This house expresses its deep sense of anguish at the persistence of violence in Gujarat for over 6 weeks,

leading to loss of lives of a large number of persons, destruction of property worth crores of rupees and urges the central government to intervene effectively under Article 355 of the constitution to protect the lives and properties of the citizens and to provide effective relief and rehabilitation to victims of violence.'[158] The ruling coalition did not have a majority in the Rajya Sabha to oppose this resolution!

It is important to note that the debate in the Rajya Sabha on an issue of this magnitude stood out from that of the Lok Sabha on three considerations. First, many speakers in the Rajya Sabha appealed to fellow members to look at the larger picture. For most of them, this larger picture was the interests of the nation as a whole. Second, the discussion called for a set of sensitivities such as the international fall-out of the massacre of the minorities. Third, several speakers drew attention to the deeper and wider ramifications of the incident in other parts of India leading to polarization of communities. While nothing precluded the Lok Sabha from reaching out to these concerns, during the actual debate, it did not.

IN DEFENCE OF THE RAJYA SABHA

It might be useful to look into certain justifications advanced for other bicameral systems to focus on the relation between the Lok Sabha and Rajya Sabha in India. Horikawa argues that in Japan in both Houses representation is not based on a peerage system or the federal state system, but consists of members elected as representatives of the whole nation. Therefore there is no difference between the House of Councillors and the House of Representatives in this regard. Thus the value of the House of Councillors has come to be questioned[159] although it is described in such attributes as 'the house of sound judgement', 'the house of due consideration', 'the house of re-consideration', and so on. He, however, justifies the upper House by citing a series of reasons which interestingly the Constituent Assembly in India was not unaware of.[160] He says that it is impossible to establish a perfect election system. Since each House has different types of members, the two-chambered system enables the two Houses to complement each other. However, the question that comes up in this context is whether the defects of the electoral system can be rectified by having another House and even if it is so, what should be the composition and purpose of such a House. Horikawa feels that the House of Representatives, being based on party politics, cannot cover the full range of social interests. The Upper House can reflect the national perspective in a strong sense. This does not seem to be the case as far India is concerned as the Upper House is not immune to party politics. Further it would be a wanton speculation to say that it is possible to arrive at a single substantial national perspective even if party politics was set aside. A thin agreement on some issues can make

hardly any difference when substantial questions are at stake. Horikawa argues that reflective consideration in the Upper House on the deliberations of the Lower House can make decisions more thorough. This argument is far too weak. There could be better procedures to handle this concern than setting up another House. He also feels that the House of Councillors can mitigate the headstrong force of the House of Representatives and help stabilize governmental policies, particularly given the fact that members of the former have a longer stint and the House is never dissolved. This argument hardly stands the test of empirical investigation in terms of the Indian Parliament. Headstrong ways are galore in the Lok Sabha as they are in the Rajya Sabha. Horikawa also suggests the Upper House is unique to every country and has the capacity to highlight its distinctiveness. This is an argument which is writ large in the *Constituent Assembly Debates* (*CAD*) in India. What should be the distinctive character of the Rajya Sabha in India? Given such a situation what is the distinctive justification for the Rajya Sabha in India?

Our investigation of the working of the Rajya Sabha on one hand and the relation between it and the Lok Sabha on the other, suggests that under circumstances when the ruling party or coalition enjoys a majority support in both the Houses, the Rajya Sabha has tended to be much more repetitive and duplicates the work of the Lower House. While such repetition and duplication may have its own utility, particularly given the complexity of the Indian polity, it is not a sufficient reason to justify the Rajya Sabha. However, under conditions when a majority in the Lok Sabha is not well disposed to the minorities and insensitive to widely held public concerns, the Rajya Sabha has rallied in support of them. Further, the Rajya Sabha does play an important role as a second legislative chamber and a federal chamber. We have, however, argued that it should also become the chamber which could reflect the deep diversity of India. While all diversity cannot be represented, there are some significant diversities based on language, religion, culture, gender, and certain historical specificities which could find an assured expression in the Rajya Sabha. Such a representation may mitigate the growing alienation of certain groups and communities from India's national life. Further, such a representation need not always be fixed but may take into cognizance the extent of representation to such diversities in the Lower House. The specificities of such representations, however, need to be worked out through public deliberations in the polity as a whole.

A series of Court judgements in the late 1980s and early 1990s, such as the *Bommai* case, the rise of coalition governments, and the development of identitarian movements greatly strengthened the role and space of the Rajya Sabha. However, it has not been able to cash in on these opportunities due to a number of reasons: there is still the language of federalism deeply seeped in the American experience that is deployed; the Chairman of the Rajya Sabha

unfortunately happens to be the Vice-President and from such a position it becomes very difficult to carry on a struggle to revamp the House; there are few other exemplar institutions that are around to rally for a different vision of the Rajya Sabha; and, of course, party loyalties focus on the agenda of the parties rather than possibilities that are open through the House.

NOTES

1. See L.M. Singhvi, 'Upholding the Federal Ethos of Indian Polity', in Yogendra Narain (ed.), *Role and Relevance of Rajya Sabha in Indian Polity* (New Delhi: Lok Sabha Secretariat, 2004), p. 26.
2. Ibid., p. 23.
3. *Lok Sabha Debates* (*LSD*), 14 May 1954, c. 7388–9.
4. *Rajya Sabha Debates* (*RSD*), 23 August 1954, c. 36–7. It is interesting to note that Dr Radha Kamal Mookerji, an eminent historian and member of the House, wanted the Council of States to be named as *Rashtra Sabha.*
5. Before 1956, there were the Part A States, the former British provinces; the Part B States, the former princely states; and Part C States, which were centrally administered areas and included the former Chief Commissioners' provinces. All these categories of states were eliminated by the 7th Amendment Act, which reorganized the states largely on the basis of the recommendations of the States Reorganization Commission.
6. In this context it is important to note the allocation of seats to different states and union territories as laid down in the Fourth Schedule of the Constitution. See Table 7.1.
7. Rajya Sabha Act, 1950, s. 27A (1).
8. The scheme of bicameralism, that is, a legislature with two Houses was envisaged in the Constitution of India Bill, 1895; the Government of India Act, 1919, provided that the Central Legislature would consist of two Houses, namely Council of States and House of Assembly. These provisions continued in the India Act, 1935 as well. In 1927, the Swaraj Constitution proposed by the Nehru Committee advocated a legislature with two chambers for independent India.
9. See, for instance, B.G. Tilak, *Gita-Rahasya*, B.S. Suthankar (trans) (Bombay: Tilak Brothers, 1935). The other three authorities were *sruti*, *smriti*, and *sampraday* or tradition.
10. *CAD*, Vol. VII, 3 January 1949, p. 1196.
11. *CAD*, Vol. IV, p. 876.
12. Ibid.
13. *CAD*, Vol. VII, p. 1209.
14. *CAD*, Vol. IV, p. 876. The arguments of experience generally came from certain specific segments of the House. Leaders such as Ambedkar did not resort to such arguments, at least not forthrightly.
15. *CAD*, Vol. VII, p. 1198.
16. *CAD*, Vol. VII, pp. 1195–9.
17. *CAD*, Vol. IV, p. 876.
18. Ibid. Many princely states had not joined the Indian union when the debate on the Rajya Sabha took place.
19. For the role of the Senate in the American Constitution, see http://www.senate.gov/artandhistory/history/common/briefing/Origins_Development.htm, accessed on 20 March 2009.

20. See *CAD*, Vol. IV; *Report of the Union Constitution* (New Delhi: Lok Sabha Secretariat, 2003), pp. 73–36, 818–29; 832–66, 872–904, 905–39, 941–77, 980–1010, and 1013–43.
21. *CAD*, Vol. VII, 3 January 1949, p. 1208.
22. Article 249 was criticized in the Constituent Assembly and was seen by many as anti-federal in character. T.T. Krishnamachari, however, strongly defended the Article, saying that its provisions cannot be used to abuse. He differentiated its provisions from those of Article 252 under which states could authorize Parliament to make laws on state subjects.
23. As several commentators have pointed out the unity of the nation was foremost during the deliberations of the Constituent Assembly in India unlike in the US where the autonomy of the states and their security was an issue of primary consideration. See http://www.senate.gov/artandhistory/history/common/briefing/Origins_Development.htm, accessed on 20 March 2009.
24. *CAD*, Vol. IX, p. 22.
25. Singhvi, 'Unfolding the Federal Ethos', p. 19.
26. Ibid., pp. 23–4.
27. Ibid., p. 28.
28. See P. Shiv Shankar, 'Standing the Test of Time', in Yogendra Narain (ed.), *Role and Relevance of Rajya Sabha in Indian Polity*, p. 42.
29. Quoted in R.C. Tripathi, *Emergence of Second Chamber in India* (New Delhi: National Publishing House, 2002), p. i. Ambedkar also refers to this statement in *CAD*, Vol. VII, p. 1317.
30. *CAD*, Vol. IV, p. 875; this was the opinion of Jawaharlal Nehru too in 1936 when he stated that such a 'Chamber will be reactionary and will … check any forward tendencies in the Lower House'. Quoted in *Fifty Years of Rajya Sabha (1952–2002)* (New Delhi: Rajya Sabha Secretariat, 2003), p. 3. But as Chairman of the Union Constitution Committee, Nehru came round to endorse a bicameral Parliament.
31. *CAD*, Vol. VII, p. 1195.
32. Ibid., pp. 1200 and 1214.
33. Ibid., p. 1203.
34. Ibid., pp. 1218–19.
35. Ibid., p. 1202.
36. Ibid., pp. 1207–8.
37. Ibid., p. 1208.
38. Ibid., p. 1214.
39. Ibid., p. 1217.
40. Ibid., p. 1215.
41. Ibid., p. 1209.
42. Ibid., pp. 1220–1.
43. Ibid., p. 1227.
44. Ibid., p. 1211.
45. Ibid., pp. 1212–13.
46. They included the Hindu law enactments (1952–4); the Monopolies and Restrictive Trade Practices Bill; Bills related to Abolition of Whipping, Prevention of Corruption and Slum Areas; Bills relating to Foreign Marriage; Bidi and Cigar Workers' Conditions of Employment and Conditions of Service Bill; Bills establishing Jawaharlal Nehru University, Pondicherry University, Indira Gandhi National Open University; The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Bill, and so on.

47. A Private Member is a member of a legislature other than a Minister. The last two and half hours on every Friday are spent on Private Members' business including Private Members' Bills, Private Members' Resolutions, Motions for adoption of Reports of the Committee on Private Members' Bills and Resolutions, and so on. See, Lok Sabha Secretariat, Dictionary of Constitutional and Parliamentary Terms, New Delhi, Lok Sabha Secretariat, 2005, p. 346.

48. The general practice has been that the votes of those who abstain are not counted; only 'yes' and 'no' are counted.

49. This practice came to be standardized later and motions for reference of the Constitution (Third and Fourth Amendment) Bills of 1954 and 1955 were adopted by a special majority.

50. Madhu Dandavate narrates an incident on the occasion of the passing of the Special Marriage Act by the Rajya Sabha. A member of the Lok Sabha, N.C. Chatterjee, delivered a speech outside Parliament, saying, 'After all who has passed this Special Marriage Bill? A pack of urchins'. A privilege motion was raised against Chatterjee in the Rajya Sabha while he sought the protection of the Lok Sabha. The Prime Minister addressing the Speaker of the House said, 'Sir, that member of our House has the temerity to call the Rajya Sabha a "pack of urchins"'. The Speaker Mavalankar replied, 'Mr Prime Minister, please take your seat. So long as I am the speaker of this House, I will never allow a Member of my House to be subjected to the jurisdiction of the other House. And Shri N.C. Chatterjee is fully justified in raising the privilege issue. Anyway, I will show a way out.' Madhu Dandavate, 'Legacy of the Presiding officers of Parliament', in Yogendra Narain (ed.), *Role and Relevance of Rajya Sabha in Indian Polity*, p. 12. Eventually a resolution was passed in the Rajya Sabha, Lok Sabha, and state Legislatures that 'If any Privilege Motion comes against a member, who is not the Member of that House, that House should not deal with the Privilege Motion, but pass it on to the Speaker or the Chairman of the concerned House. He should accordingly deal with it.' Ibid., p. 13.

51. *Joint Sitting of the Houses of Parliament: Debates*, vol. 1. no. 1, 6 May 1961 (New Delhi: Lok Sabha Secretariat, 1961), p. 12.

52. Ibid., p.14.

53. Ibid., p. 16.

54. Ibid., p. 15.

55. Ibid., pp. 15–16.

56. Ibid., p. 18.

57. Ibid., pp. 20–1.

58. Ibid., p. 16.

59. Ibid., p. 22.

60. Ibid., p. 32.

61. Ibid., p. 44.

62. For social legislation see U. Lalitha Devi, *Status and Empowerment of Women in India* (New Delhi: R.P. Corporation, 1982).

63. *Joint Sitting*, vol. 1, no. 1, pp. 47–8.

64. Ibid., p. 48.

65. Ibid., p. 50.

66. Ibid., p. 52.

67. Ibid.

68. Ibid., pp. 52–3.

69. Ibid., p. 96.

70. Ibid., p. 54.

71. Ibid.
72. Ibid., pp. 54–5.
73. Ibid., p. 56.
74. Ibid., p. 58.
75. Ibid., p. 87.
76. Ibid., p. 168. For Sharada Act and other related laws see, Lotika Sarkar and B. Shivaramayya, *Women and Law* (New Delhi: Vikas, 1996) and Madhu Kishwar, 'Codified Hindu Law—Myth and Reality', *Economic and Political Weekly*, vol. XXIX, no. 33, August 1994, pp. 2145–61.
77. *Joint Sitting of the Houses of Parliament: Debates*, vol. 1, no. 1, 16 May 1978, p. 171.
78. Ibid., p. 172.
79. Ibid., p. 314.
80. *Joint Sitting of the Houses of Parliament.*
81. Ibid., pp. 10–24.
82. Ibid., pp. 31–3.
83. Ibid., p. 33.
84. Ibid., p. 34.
85. Ibid., p. 33.
86. Ibid., p. 35.
87. Ibid., pp. 39–42.
88. Ibid., pp. 58–9.
89. Ibid., pp. 65–6.
90. Ibid., p. 67.
91. Ibid.
92. Ibid., p. 61.
93. Ibid., p. 82.
94. *Joint Sitting of the Houses of Parliament*, vol. 1, 26 March 2002 (New Delhi: Lok Sabha Secretariat, 2002). Prevention of Terrorism Ordinance (POTO) was a law proposed in succession to a series of harsh laws curbing citizenship rights in India, such as Maintenance of Internal Security Act (MISA) in the 1970s and the Terrorism and Disruptive Activities (Prevention) Act (TADA), enacted in 1985. TADA was extended from time to time and in 1995 it was allowed to lapse.
95. On 27 February 2002, a group of people attacked a train, the Sabarmati Express, near the Godhra railway station in Gujarat. A compartment was set on fire by the attackers and 58 persons in it were burnt to death. The train carried a large number of karsevaks, mobilized by Hindu organizations, who had gone to Ayodhya to put pressure for the construction of a Ram temple where the Babri Mosque stood before it was destroyed in 1992 by these organizations as it was supposed to have been built on the birthplace of Lord Ram. For an early introduction and the communal riots that followed, see Sandeep Pendse (ed.), *Lessons from Gujarat* (Mumbai: Vikas Adhyayan Kendra, 2003). Also see Martha Nussbaum, *The Clash Within: Democracy, Religious Violence and India's Future* (Harvard: Harvard University Press, 2004).
96. *Joint Sitting of the Houses of Parliament*, vol. 1, 26 March 2002 (New Delhi: Lok Sabha Secretariat, 2002), p. 8.
97. Ibid., p. 14.
98. Ibid.
99. Ibid., p. 18.
100. Ibid., pp. 29–30.

101. Ibid., p. 29.
102. Ibid., p. 30.
103. Ibid.
104. Ibid., p. 40.
105. Ibid., p. 45.
106. Ibid., p. 52.
107. Ibid., p. 55.
108. George Fernandes was on the run following the Baroda Dynamite case during the Emergency. He was eventually caught and imprisoned. He fought the election in 1977 from jail.
109. *Joint Sitting*, vol. 1, 26 March 2002, p. 63.
110. Ibid., p. 67.
111. Ibid., p. 75.
112. Ibid., p. 94.
113. Ibid., p. 96.
114. Ibid., p. 114.
115. Ibid., p. 137.
116. Ibid., p. 160–1.
117. The Bill was scrapped within a few months of the United Progressive Alliance (UPA) led by the Congress coming to power in 2004. In the wake of the growing terrorist attacks in metropolitan areas in Bangalore, Hyderabad, Jaipur, Ahmedabad, Delhi, and others, there has been a growing demand for a central law to combat terrorism. The second Adminstrative Reforms Commission led by M. Veerappa Moily in its Eighth report titled *Combating Terrorism* has recommended that 'a comprehensive and effective legal framework to deal with all aspects of terrorism needs to be enacted'. For reports in this regard see *Indian Express* and *The Times of India*, 17 September 2008 (Delhi Editions).
118. *LSD*, XI *Session IV (Budget)* Friday, 2 May 1997/Vaisakha 12, 1919 (Saka).
119. Ibid., p. 1345.
120. Ibid., p. 1348.
121. Ibid., p. 1349.
122. Bhairon Singh Shekhawat, 'Redefining the Role of Rajya Sabha', in Yogendra Narain (ed.), *Role and Relevance of Rajya Sabha in Indian Polity*, p. 6.
123. See, Harish P. Khare, 'Rajya Sabha—A "Chamber of Ideas"', in Yogendra Narain, (ed.), *Role and Relevance of Rajya Sabha in Indian Polity*, pp. 32–5.
124. Certain incidental reasons played a major role in restraining the targeting of the Rajya Sabha, such as Indira Gandhi being a member of the Rajya Sabha when she was chosen as the Prime Minister in 1967.
125. On 28 August 2003, the Parliament enacted the Representation of the People (Amendment) Act, 2003 whereby the open ballot system was introduced for elections to the Rajya Sabha. In this system an elector who belongs to a political party is required to show the ballot paper after marking his/her vote to an authorized agent of that political party. The requirement that a candidate contesting an election to the Council of States from a particular state should be an elector in that particular state was also dispensed with.
126. In their Public Interest Litigation (PIL) submission Kuldip Nayyar and Inderjit Singh had argued that, post 1989, accommodating outsiders for Rajya Sabha membership became very common. Between 1952 and 2002 there were 1,746 members of the Rajya Sabha. During this period 5 per cent of the members did not belong to the state they were elected from. This percentage increased to 9 per cent after 1989, while it was only 3 per cent prior to it. Since the 1990s, one out of every 10 Rajya Sabha members had been from outside the state. On paper, however, they were domiciled in the state they were elected from.

127. *Kuldeep Nayyar* v. *Union of India and Others*, 22 August 2006.
128. See V.S. Rama Devi, 'Enriching the Nation by Useful Deliberations', in Yogendra Narain, (ed.), *Role and Relevance of Rajya Sabha in Indian Polity*, pp. 50–4.
129. See Nussbawm, *The Clash Within*.
130. *LSD*, vol. XXII, pp. 51–2.
131. Ibid., p. 53.
132. Ibid., pp. 63–4.
133. Ibid., p. 78.
134. Ibid., p. 81.
135. Ibid., p. 86.
136. Ibid., see pp. 102–3, specifically the interventions of Anand Gangaram Geete.
137. Ibid., see pp. 66–9.
138. Ibid., see pp. 105–6.
139. Ibid., p. 89.
140. Ibid., p. 127.
141. This was in spite of the well known stand of the DMK on greater autonomy to states!
142. The DMK left the ruling coalition in December 2003 due to several reasons including the riots.
143. Ibid., p. 131.
144. Ibid., p. 133.
145. Ibid., p. 138.
146. Ibid., p. 169.
147. Ibid., p. 111.
148. Ibid., p. 125.
149. Ibid., pp. 183–96.
150. The Rajya Sabha took note of the Godhra incident in the discussion on the motion of thanks to the President's Address on Thursday, 28 February 2002 and subsequently held a Short Duration Discussion on 7 and 11 March 2002.
151. *RSD*, 7 March 2002, p. 717.
152. Ibid., p. 720.
154. Ibid., p. 727.
154. Ibid., p. 742.
155. Ibid., pp. 739–48.
156. Ibid., pp. 742–3.
157. Ibid., p. 760.
158. Ibid., p. 298.
159. Hisao Horikawa, 'The House of Councillors in Japan', in R.C. Tripathi (ed.), *Second Chambers: Bicameralism Today* (New Delhi: Rajya Sabha Secretariat, 2002), p. 139.
160. Ibid., p. 140.

8 In-House Reproduction of the Lok Sabha

We fall, easily, into the temper which insists that the great age of Parliament is the one we just fail to remember. Politicians of the Baldwin epoch say that the House is not what it was when Mr Asquith was Prime Minister; and in Mr Asquith's day they looked back with regret to the greater days of Gladstone and Disraeli; no doubt some old member of those days used to sigh for the epoch when Pitt and Fox crossed swords with one another. The debates, it is said, are not of the old standard; they are too dominated by the leaders of the House; they are empty and mechanical performances because, in ninety-nine cases out of a hundred, everyone knows what the result is going to be.[1]

HOW DOES THE Lok Sabha work? What mechanisms has it evolved to enforce responsiveness and elicit accountability in a setting where opposition is institutionalized and which, in turn, shapes the rules of the game as much as the ruling dispensation? Through its interventions in the House the opposition is not merely interested in undermining the predominance of the ruling party/coalition but also in undercutting the social and political bases of support of the latter. Besides, this institution has to function within the framework of a set of principles. We wish to argue in this chapter that unlike the commonsense reflected in the Laski's quote, the Indian Parliament has institutionally reoriented itself over time in significant respects.

The accountability of the Executive to the Parliament in a Parliamentary democracy primarily depends upon two factors: the nature of opposition and the other institutionalized mechanisms through which accountability is enforced.[2] In the last two decades, there has been a visible reinforcement of both these factors which, however, are not entirely free from differing interpretations. India has witnessed the emergence of an opposition that is vocal and large from the 1970s and particularly in the 1990s. Several new institutions have arisen during this period whose primary rationale is the

enforcement of accountability, effective representation, visibility of those in the margins, and institutional stability.

The way the Parliament reproduces itself as an institution, with its norms and rules, has much to say with regard to its capacity to fulfil the tasks that it has taken upon itself. The Speaker, the opposition, and the committees, the resources and competences at the disposal of the House, and the process of the working of the House are crucial indicators of the working of the Lok Sabha.

THE CHARGE

The functioning of the Indian Parliament, particularly the Lok Sabha, has been ridiculed by several commentators, including politicians. The late Ramakrishna Hegde levelled the following criticism against the functioning of the House: The behaviour of the Speakers in the Lok Sabha has been 'partisan' and the ruling party did not believe 'in letting an independent umpire enforce the rules'.[3] Therefore there has been little confidence in India on the impartiality of the Speaker, a cardinal principle for the working procedure of Parliament. He said, 'Successive governments at the Centre have undermined the independence and impartiality of the Speaker of the Lok Sabha.' Referring to the tendency to vie for a cabinet berth amongst some Speakers, he said, 'Whoever has heard of a Speaker descending from his chair right down to the Government benches?'[4]

Hegde felt that there was no tolerance towards the Parliamentary opposition in India particularly in the post-Nehru period. The opposition too was not spared by him: 'A good few members of the opposition ask questions but are not in the House to hear the answers'.[5] At the same time he charted a relation between the ruling party and the opposition that has degenerated. He thought that Nehru sometimes acted as his own opposition to cultivate and nourish one, although parliamentarians of great calibre were arraigned against him such as Hriday Nath Kunzru, Acharya Kripalani, A.K. Gopalan, H.V. Kamath, Rammanohar Lohia, and M.R. Masani.[6] In the first few years after independence, the opposition was still held in high esteem. Like many others, he felt that it was Indira Gandhi who tried to vilify and bulldoze the opposition.[7]

With respect to conduct and procedure in the House, Hegde argues there was 'the misuse of the Zero-hour, pointless motions of privilege and walk-outs on the slightest provocation'. He did not find much to commend in the other measures often resorted to by the opposition: 'The walk-out is a powerful weapon to be used as the last resort. It has become blunt as a result of constant use on matters large and small … It is the same with motions of breach of privilege … The fact is that the motion properly lies in those grave cases when a minister has told a deliberative lie—a manifest, provable lie. The

result of the ready recourse to this weapon is that the public does not take it seriously.' Although the primary function of the Parliament is to legislate, Hegde found that 'Bills are introduced after a brief notice to the members and then hurriedly run through'.[8] There is much wanting in the way members behave in the House. There have been good resolutions between the ruling party and opposition members[9] to maintain 'the decorum and dignity of the parliamentary forum', but they have not been effective instruments to restore normalcy to the working of the House.

Hegde did not spare Parliamentary committees either. 'As for the Consultative Committees of Parliament, they are anything but consultative. They still work under guidelines adopted half-heartedly in 1967 and party divisions are as pronounced in them as on the floor of Parliament.'[10] He summarized the ills of the working of the Parliament as 'unprincipled use of power, intemperate conduct by the opposition and partisanship by the Speaker.'[11]

Hegde's charges are echoed by several other commentators as well. Arun Shourie argued, 'Far from the Council of Ministers being accountable to and controlled by Parliament, it is the Council of Ministers precisely because *it* controls Parliament ... Even on the most "non-political" issues, in the end members vote and speak strictly along party lines.'[12] He finds the way Parliament handles the issue as woeful. C.V. Madhukar too pointed out that in 2006, 'Over 40 percent of the Bills were passed in Lok Sabha with less than one hour of debate. The situation is marginally better in the Rajya Sabha.'[13]

RELATIONSHIP BETWEEN THE RULING PARTY AND THE OPPOSITION

Sir Ivor Jennings denotes the role of the opposition in a parliamentary system as follows: 'to compel the government by all methods of propaganda to modify its general policy, and finally to create the necessary public opinion against the government ready for the next election: It must take part also in the actual process of parliamentary government'.[14]

However, in a federal polity such as India, with a multi-party system and deep social and cultural diversities that characterize the body politic, the opposition may have to define itself not merely in this twofold manner but take on other responsibilities as well. But critics point out that the opposition is yet to mark its space in India. According to Shourie, 'When a party is in opposition, it feels compelled to oppose everything that whosoever is in government is doing, even when that is not just a further development of, but a literal and faithful continuation of what it was doing when it was in office. As a result when it comes to power, it has to repudiate the policies that were being followed'.[15] He feels, 'By this process, parties and groups come to define themselves as "I am not the other."'[16] There is the process of the demonization of the opponent, cooperation with whom is essential to run the system. He

feels that 'The system is calculated to produce the maximum antagonism and instability and the minimum consensus and consistency'.[17]

There are several flaws in Shourie's sweeping assertions. First, there has been a convergence between the opposition and the ruling party on a set of key issues such as national security, law and order, and most of those issues which the Judiciary later came to define as the basic structure, although there might be notable differences on specifics. There are, however, fundamental disagreements on some other concerns such as development policies, welfare, culture, social justice, etc. Further, while there is manifest agreement on certain issues, there is covert opposition to the same, for instance, towards preferential policies and gender concerns. The second, the relation between the opposition and the ruling party has been changing: It was patronizing in the 1950s and whenever such posturing was not acceptable, the system acted ruthlessly towards the opposition as socialists such as Rammanohar Lohia, Ambedkar, and the Communists realized very soon. In the 1970s, the relationship took on an active oppositional stance and in the 1990s it assumed not merely a great deal of diversity, but also underscored the threshold it cannot cross. Given the asymmetry of the distribution of powers at the federal and state levels and the fragility of coalition government, there have been various mechanisms, formal and informal, that have evolved to reinforce such limits. In the process new tensions and conflicts have arisen as well as new modes of collaboration. The ruling party can hardly try to squeeze out the opposition today as it attempted to in the 1970s or be patronizing towards it as in the 1950s. While most of the processes at work in this relation are ad hoc in nature, it can hardly be said that the relationship between the ruling party and opposition is mimicking blueprints worked out elsewhere. Third, there is not merely the opposition rallying against the ruling party, although it is the most manifest relation, there are differences between the political parties on one hand and their Parliamentary counterparts on the other; there is internal conflict within the ruling party on several issues and conflicts within opposition parties. Not only do these differences play significant roles at critical junctures,[18] they also affect the pace and intensity of the working of the Lok Sabha. Fourth, working within the framework of the Parliament, its rules and regulation, even its majesty and decorum, members have been transformed and their views do undergo changes. There has been an attenuation of the ideological stances of representatives who, when they entered the portals of the House, threatened to subvert it. It has affected roles and institutions decisively. The Communist Party of India (CPI) and Communist Party of India (Marxist, CPI [M]), particularly the latter, whose ideological positions give a priority to mass movements and class struggle have been effectively made to function within the framework of Parliamentary democracy. While the ideological rhetoric may have persisted, there has been greater

engagement and cooperation, and converging and complementary concerns. Besides it is important to note that both sitting in the opposition and ruling the nation are culturally sensitive processes and there are distinctive ways of conducting the same. The debate on the citizenship issue of Sonia Gandhi brought such concerns sharply to focus.[19]

Relation between the Ruling Party and the Opposition in the Parliament, 1950s

The making of the institutionalized opposition in the Parliament in general and Lok Sabha in particular is a process of great complexity, very different from its portrayal by Hegde. Prior to the first general election, leaders such as Jayaprakash Narayan were not very hopeful of the Parliamentary pattern of ruling and opposition striking a responsive chord in India. He had written to Nehru on 30 May 1950 that unless 'very special efforts' were made and 'strict measures adopted', the elections would never be fair. There would be 'intimidation, violence and dishonesty of every kind', particularly 'considering, the moral tone of the Congress organization and the Congress ministries.'[20]

Nehru's attitude to Parliamentary opposition in general and Parliamentary opposition in India in particular remained deeply ambivalent. He felt that the great social and economic conflicts of society were not reflected in the two-party system of Victorian England in spite of the avowal of different programmes and ideologies by political parties. Besides, members of parties had little or no independence as party solidarity and winning of elections were accorded priority. He said, 'This solidarity and uniformity is no doubt good in its own way, but it is very far from real democracy.'[21] However, by 1951 Nehru had changed his stance. He argued for the need for strictly disciplined parties: 'Suppose our Parliament at Delhi had 500 chosen men of integrity and ability, each thinking according to his own lights, the result would be that, while they would be the chosen of the nation in regard to ability, nothing will be done by the Parliament because all the 500 will pull in 500 different directions.'[22] He celebrated the significance of political party, because it is in contact 'with large masses of people whom it guides, whose thinking it influences and which in turn is affected by the people's wishes.'[23] He appreciated the need for stronger opposition and once wrote provocatively under the pseudonym Chanakya saying, '...a little twist and Jawaharlal might turn into a dictator sweeping aside the paraphernalia of a slow moving democracy'.[24] However, increasingly he laid priority on a stable government, citing critical times. He deprecated criticism that a stronger opposition was not allowed to emerge. While he argued that he could not be expected to split the Congress to beget an opposition, he felt that India should not think in terms of the British concept of Parliamentary opposition and that the primary need was unity and stability.[25]

Nehru's prevarications on an effective opposition were to persist throughout as he sought to construct the institutional complex of a post-colonial regime.

The opposition in the 1950s was numerically weak and divided. In the first Lok Sabha, the Congress had won 364 seats out of 489 while the CPI had secured only 16, the Socialist Party 12, Acharya Kripalani's Kisan Mazdoor Party nine, and 19 smaller parties and independents the remaining seats respectively.[26] The Congress which led the freedom movement was still in the opposition mode. But it had to take up the responsibility of governing the country and the mode of choice of governance called for an opposition. However, as the opposition took its appointed place in the Parliament, it soon found that it shared many things in common with the ruling party.

Opposition parties and leaders spoke positively for democracy from early on. Given the context, there were few other options before political parties if they were to have any influence or gain power. Even the CPI whose activity was characterized in official circles as 'open hostility to government … bordering on open revolt' and which saw entering the Parliament as 'wrecking it from within', was soon to declare its task was to 'play its rightful role as builder and spearhead of the democratic movement' and to 'act as a party of opposition in relation to the present government'.[27] Even within the Congress there were disagreements regarding the role and place of the Parliament in the overall scheme of governance in general and the scope and place of the opposition in particular. There were people who challenged Nehru. For instance, G.V. Mavalankar, the first Speaker of the Lok Sabha, protested to Nehru as early as 1950 about the government's 'inherently undemocratic' practice of promulgating ordinances instead of bringing bills before Parliament. Mavalankar said that a large number of ordinances gave the undesired psychological impression that government was based on ordinances rather than discussion and debate. He felt that they conveyed a message that Parliament was being ignored, creating the impression that the Executive desired to commit the House to a particular legislation.[28] Nehru replied that Parliamentary procedures were slow and important legislation was being held up.[29] This unease with efficient government and government by discussion and debate where the role of the opposition was crucial continued in the 1950s.

However, a few tall individuals alone do not necessarily constitute an opposition. There was a distinct worry among many sections that there was an imbalance of power in the Parliament between the Prime Minister and his ministers vis-à-vis the opposition. C. Rajagopalachari wrote in 1957, 'When one party always remains in Power and dissent is dissipated among organized individuals and relatively insignificant groups, which do not and cannot coalesce, government will inevitably become totalitarian'.[30] Wielding a viable opposition was the major concern of both the government and the opposition. As the Praja Socialist Party (PSP) opened its election campaign in

Patna in February 1957, Acharya Kripalani and Jayaprakash Narayan called for building a single opposition party. Kripalani said that people cannot vote for an opposition if there is none. In fact, desiring a functional opposition to strengthen Parliamentary government, Nehru repeatedly cajoled Narayan to enter Parliament and lead one.[31] Besides, the patronizing stance of the ruling party towards the opposition in the first two Lok Sabhas was manifest very clearly in the debates of the Lok Sabha. It is not that the opposition always gave way to the stance adopted by the ruling party. One of the great strengths of the opposition in the early days was its refusal to cave in to the ideological insinuations and material inducements of the ruling party. The 'saintly' mode of politics and self-understanding contributed a great deal to assume such a stance.[32]

In spite of the condescending stance of the Congress, the opposition was making its presence felt in the debates within the House on crucial issues. Jaisoorya (People's Democratic Front [PDF], Siddipet), for instance, commenting on the railway budget first expressed a strong criticism of the Congress thinking on railways. He said, 'Historically the railways were started by the British, secondly to open up markets and thirdly and incidentally to be useful to the people of India, so the primary objective of the legacy was revenue, which is beyond doubt the first objective of the government'.[33] He was clearly taking pot-shots at the Congress, trying to tear off the mask between reality and pretensions. He later added that the Congress should have a 'more people-centric'[34] view when thinking about the railways.

There were others who stoutly defended their oppositional stance on grounds of representation and accountability. S.S More, for instance, was clearly referring to the patronizing stance of the ruling party when he stated, 'We are members of the opposition. We have been sent to this house by a large number of voters and it is our duty to criticise the Congress wherever we feel that the Congress is going wrong. However when we criticise imputations are made and motives are attributed'.[35] The Communists, who succeeded to a great extent in holding on to their distinctive stance although Parliamentary processes and activities called for specific forms of social action, brought to the centre stage a different set of leaders and favoured a specific way of life. It called for an engagement with the adversary different from the arena of social movements. The Communists employed the same language that they did in the social arena to raise issues in the Parliament, but they were clearly consolidating structures and processes in the bargain which were far from what they intended to do. For instance, on general budget discussions, N.S. Nair (CPI) was to formulate a criticism of Congress budget allocations that set a standard trend in the CPI towards Congress budgets. He said, 'The budget which has been presented is a war budget. I call it so firstly because

49.3 percent of the total revenue is spent on our armed forces; secondly, it is really a declaration of war on the poor masses of India by the Congress party in power'. Nair also argued about the vital question of food subsidy. He said, 'You have withdrawn the food subsidy and you have at the same time increased freight charges of foodstuffs and other necessities of life. You have by this action of yours snatched away the last crumbs of bread from the poor man's mouth'.[36] By internalizing the opposition and assigning to it a specific but peripheral significance, the Parliament was proving itself a hegemonizing institution while the nation was consolidating behind the ruling dispensation. Whenever the ruling dispensation found the opposition such as the Communists unpleasant, it invoked the past, particularly their role during the Second World War in India to suggest that the latter was deficient in nationalism. Communists had to profess their fidelity to the nation if they had to sustain their presence in the electoral arena.

These efforts succeeded in shaping a relatively mellow but viable opposition in the Parliament, partly drawing on the energies and resources from the opposition within the ruling party itself. It cast itself in the mode of a critic but not a serious alternative and, in combination with the opposition to Nehru within the Congress, acted as a brake on various legislation and government programmes.

The opposition also succeeded in punching holes in some of the flagship policies of the ruling party. Discussion on land reforms in the first decade of the Lok Sabha was a recurrent theme and several stalwarts, often cutting across party lines, including Nehru, made speeches about its vital importance. The First Planning Commission thought that it was an issue of seminal importance. However, by 1958 signs of frustration about land reforms began to show[37] and the opposition registered the slide first. Chintamani Panigrahi (CPI, Puri) highlighted the tardy progress of land reforms in the country: 'Everyone talks about the weather but nobody does anything about it' alluding to the approach of the ruling party to the issue.[38] He argued, 'The question of land reforms in India is being discussed time and again. Prime Minister Nehru in his meetings with Acharya N. Bhave declared that land must belong to the tillers, land must belong to the people and the sooner the problem [is] solved the better for India.' He drew attention to the gulf that existed between such declarations and practice.[39]

In another intervention, Panigrahi highlighted one of the common ways of ejecting a tenant:

> In the legislation of almost all the states there is a provision as to the extent that a landlord can resume for his personal cultivation. But how many acres, a minimum of 2, 3 or 5 acres, that a tenant is allowed to retain is not there in any state legislation. So when a landlord evicts his tenants he gives his land to a brother, son-in-law, etc.[40]

Panigrahi initiated a resolution to create a committee to assess the progress of land reforms on 5 December 1958. But constitutional provisions were employed by the Congress to scuttle this attack. K.C. Sharma of the Congress addressing the House after Panigrahi said, '...the land reforms subject is in the state list...so, under the constitution this subject cannot form the subject matter of discussion here' and he went on to quote entry 18 of the state list.[41] Defending the resolution, however, Nagi Reddy (CPI, Anantpur) said, 'The resolution is a simple one, and I wish that the ministry or the ruling party which has not so far accepted or agreed to act upon land reforms will at least accept or review the position which we have so far achieved'.[42] The delaying tactics of governments, particularly state governments, which were seen by the Communists as a sign they were under the strong spell of landlordism came to be highlighted in some of the interventions. Vasudev Nair was apprehensive whether any land would be left at all for redistribution.[43] It is important to note that Panigrahi's resolution set the basic design for most other committees assessing the works of the ministries.

It must be remembered that the critique of the Congress within the Parliament primarily came from the left of the Congress. Opposition from the right was yet to make its presence felt to any appreciable extent; this came from the fledgling Bharatiya Jan Sangh (BJS) at the end of the 1950s and later the Swatantra Party to an extent. Often the ruling party called into question the credentials of the opposition particularly with reference to the role of its members in the nationalist movement. This, however, did not deter many opposition members from questioning the nationalist role that the Congress was trying to appropriate to itself. For instance, S.S. More (Peasants and Workers' Party [PWP], Sholapur) questioned the credentials of Congressmen to don the moral hat: 'If we study the lives of stalwarts of the Congress, we find that there was a phase in the life of every one of them during which they collaborated with the Britishers. They bona fide believed in the good intentions of the British and fondly hoped that out of collaboration with the British some good may emerge.'[44]

There were other issues that the opposition raised. N.S. Nair speaking in the context of the railway budget drew attention to the patronage extended to Hindi by state organs and held out a threat: 'You want to drive your language down our throats. We are going to resist it.'[45] These were a few stray issues. But over time the opposition was engaging the government on all possible fronts.

The Parliamentary opposition, however, was not united in the 1950s and there were a lot of personal and doctrinal differences across parties. Often it resorted to ritualistic charges of 'corruption' and 'authoritarianism' against the government accusing it of employing extra-parliamentary methods. There was a lot of loose talk on civil disobedience, *satyagraha*, and protests. The Socialist Party (SOC) asserted, 'In the interests of orderly progress, the people's right

to civil disobedience must be recognised as much as the governments right to arrest and imprison under due process of law.'[46]

The opposition also made a place for itself in the institutional framework of the functioning of the Lok Sabha assiduously fostered by some of the early speakers such as Mavalankar. Such institutional location and the rules of the game it fostered had many consequences in the forming of the opposition as well as the ruling party, two of them being noteworthy. First, the Parliamentary opposition did not become a simple extension of the political party it belonged to and there developed a cleavage between them. This autonomy elicited a grudging respect from the party towards its Parliamentary wing as well as a deep suspicion.[47] Second, there developed distinct articulations and emphases of a political party and its Parliamentary counterpart. Parliamentary framework heavily constrained the options available to opposition members to express themselves and initiate moves afresh. Even to make their presence felt they had to work though the rules and regulations governing the institution. The institution was subtly shaping the ideological overtones of Parliamentary parties and disciplining them to work within its framework.

However, soon the opposition gave to itself option for direct mass action alongside its parliamentary role. Rammanohar Lohia, for instance, told his SOC colleagues that instead of the alternatives to Parliamentary forms of government or an exclusionary insurrectionary path, the party ought to choose a balanced mix of constitutional actions and civil resistance where necessary.[48] Similarly, the Communists, after a period of toying with armed insurrection against the government and armed struggle as the strategic line for revolutionary transformation, embraced the Parliamentary path with mass action. In fact, this became the characteristic strategy of the opposition across the ideological divide in post-independence India.

Parliamentary Opposition in the 1970s: The Twilight Zone

In the 1970s there emerged the tendency of treating the opposition as the enemy and measures came to be formulated to quarantine if not wholly silence it. This tendency came to be reflected both in the Fifth and Sixth Lok Sabhas. During this period the opposition was also stronger and better united than in the 1950s.[49] Initially, the Congress Working Committee, and later the All India Congress Committee (AICC), attributed such a development to the neglect of socialist programmes and the loss of its mass base, its leaders pursuing offices and benefits rather than welfare of the masses. Such an analysis led the party to propose a package of enlarged promises. From this plank Indira Gandhi confronted the senior figures in the powerful organizational wing of the Congress Party after 1967. She intensified the battle over democratic socialism and stressed the distinction between the Right and the Left. It eventually

led to the split of the Congress in 1969 giving a different complexion to the opposition just prior to the Fifth Lok Sabha and beyond.

Following the split, some parties in the opposition—the CPI, Dravida Munnetra Kazhagam (DMK), and a few independents—rallied in support of the Congress faction headed by Indira Gandhi in the Lok Sabha. She announced several programmes in the name of socialism to shore up her minority government like bank and general insurance nationalization, abolition of privy purses, and government takeover of the wholesale trade in grains.[50] Some individuals and groups who supported the Congress had their own grand and epochal designs such as the Congress Forum for Socialist Action and a few former communists. The latter, for instance, challenged the ideological line of the CPI and in a way contributed to the closing of the ranks between the Congress and the CPI. The expressed stance of Mohan Kumaramangalam, a fellow-traveller of the CPI, was that the Party had made a gross mistake in trying to defeat the Congress in the elections, especially given the mass support base of the Congress. Instead, said he, the Party should go to the polls as an ally of the Congress and offer to form 'National Governments' with it so that the CPI could benefit from the Congress mass support, and push the Congress towards genuine social and economic reform.[51] This understanding, termed as the 'Kumaramangalam thesis', was depicted by many as the subversion of the Congress by the CPI. It, however, helped the ruling party to cast itself in a millenarian perspective and poach into the opposition, declaring the rest as enemies of the people, saboteurs, and venal and demoniac distractors.

On the other hand, the opposition was bolstered especially with the addition of the Nijalingappa faction of the Congress.[52] The predominance of the Congress in the Fifth Lok Sabha rested on the overwhelming concentration of power in the person of the Prime Minister.[53] The lack of opportunity to make their case in the Lok Sabha led many parties to resort to mass action and support social movements as an integral aspect of their role as the opposition, an orientation laid down in the 1950s. However, there was no serious reflection on the relation between Parliamentary opposition and social action, representation and popular claims. The divide between public power and civil society was yet to be conceptualized during this period. One of the popular explanations of the consolidation of the opposition in the early 1970s is based on the polarization thesis between the Left and the Right: the Congress moving towards the Left initiated a series of radical policy measures drawing parties and groups in the Left, such as the CPI and a section of the Socialists, closer to itself. In the opposite direction, the split within the Congress made the faction supportive of big capital, large landholding, and free market move to the right and align with such groups as the BJS and the Swatantra Party (SWA). While there are some superficial resemblances to indicate such polarization, this

thesis is highly reductive, shutting our eyes off from all contrary evidences, such as the opposition of a broad range of Socialists, the CPI (M), several peasant-based parties, and the 'Young Turks' (the radical group made of such leaders as Chandrashekar, Krishna Kant, and Mohan Dharia), to the Congress and ignores contextual political issues that informed this polarization such as authoritarianism, accountability of power, decentralization, respect for diversity, significance of rights and civil society, and the extensive use of surveillance and coercion employed to control the opposition.

Given the denial of its position as opposition, the imposition of Emergency hardly faced much resistance in the Parliament or within the Congress. The opposition, however, expressed itself in the realm of civil society, but state apparatuses were increasingly employed to suppress it. But instead of being suppressed it just got dissipated and turned up with a victorious electoral verdict once the Emergency was withdrawn. The elections to the Sixth Lok Sabha dealt the Congress a massive defeat. Out of the 542 seats, Janata Party won 270 and its closest ally, the Congress for Democracy, 29. The Congress won 153, CPI seven, CPI (M) and All India Anna Dravida Munnetra Kazhagam (AIADMK) 22 each, DMK one, and Akali Dal eight.

It is interesting to see the way the Congress organized itself as the opposition in the Sixth Lok Sabha from its position as the ruling party. It presented itself as the resolute other of the ruling dispensation. It denigrated the language of rights employed by the ruling dispensation and spoke the language of popular welfare. Attempts to whittle down authoritarian institutions, not very successful, by the ruling party were termed by it as undermining authority and renouncing responsibility of representation. The Congress saw the decentring of power in the federal order as inability to govern. It also tried to connect itself to mass action not by revitalizing civil society institutions such as trade unions and peasant organizations, but by resorting to populism.[54] The Janata government repealed the legislation that undermined Fundamental Rights and attempted to restore constitutional democracy through a comprehensive amendment to the Constitution. If allowed to work itself out, it would have made place for a different opposition. However, the Congress as the opposition was not prepared to accept such a framework. Parliamentary opposition within the Congress, however, was not wholly united with regard to its role. The ruling Janata Party utilized the existing cleavages within the Congress to see some of its measures through. In the Lok Sabha the Janata Party held the majority of seats, but in the Rajya Sabha it had only 27 seats and Congress members of various hues held 154 of the 244 seats. Clearly Desai's government needed Congressmen and other votes to enact any amendment and even to pass some legislation; surprisingly, he elicited support from many of these Congress members. In fact party lines had become highly porous in the 1970s and power had the better of the members of a political party in

political alignments that continued to persist till the anti-defection law changed the framework of such fragile loyalties.

Factionalism brought down Desai, and Charan Singh's desperate bargain with Indira Gandhi brought him to his knees. One of the important issues that were raised in the Sixth Lok Sabha was control over Parliamentary political parties by organizations and interests which were themselves not accountable to the electorate. The Socialists made it an issue of principle in their attack on the BJS faction of the Janata Party which was alleged to be under the control and direction of the Rashtriya Swayamsevak Sangh (RSS). The former demanded that the latter sever its ties with the RSS. The principle, however, was not seriously reflected upon, as in the case of other ideas of the Socialists, and eventually was termed as a political tactic to sideline BJS.

The Congress as a Parliamentary opposition followed a trajectory that its counterparts had marked in the1950s: network with factions of the ruling party, contest its programmes, and attempt to build up popular support through direct mass action. Both the ruling dispensation and the Congress organized huge mass rallies in the 1970s ostensibly with the purpose of reinforcing their respective stances and presenting their claim to speak on behalf of the people. The Congress went a step further. It contested the very legitimacy of the ruling dispensation and its ability to govern. However, what were these fronts of legitimation, other than electoral sanction, were never spelled out. With the emergence of the Congress as a large opposition, many speculated, and even desired, a rise of a two-party system largely modelled on the British pattern. Such a wish, however, could not but be puerile ignoring India's complex history, its deep pluralities, and widespread inequality both social and economic. The Janata Party itself was a coalition made of different interests, factions, and ideologies. It anticipated the coalitions that emerged from the late 1980s.

Parliamentary Opposition in the 1990s

The nature of the opposition underwent radical transformation in the 1990s. There were two large parties that made their presence felt in the Lok Sabha around which other parties gravitated, making a ruling and oppositional formation. The smaller parties had very strong regional, cultural or ethnic affiliations and therefore had different electoral viability depending upon the presence of the large partner in the concerned state. The debates in the Lok Sabha during this period were profoundly shaped by the characterization of the two main parties by their opponents and the interests of the smaller parties. Issues like pluralism, communalism, secularism, and reservation that were not central to the debates of the 1950s and 1970s were highlighted. Unlike in the earlier period, the larger partners did not try to edge out the smaller partners from their social base but devised mechanisms of relatively

stable collaboration and power-sharing. While some of the partners in the coalition saw this as long-term engagements, others saw it as their interest in the shorter run. There were some floating partners who sided with a coalition in power without necessarily being accused of opportunism[55] and shifted their allegiances with an eye on electoral viability.

From 1989 till 2009 there have been seven coalition governments at the centre[56] and on this basis some conclude that it was a period of great instability. In fact such a reading is far from true. Three governments from 1991 to 1996, 1999 to 2004, and 2004 to 2009 completed their full terms. During this entire period, a strong opposition was in place. Some of the far reaching and deeply contested policies such as implementation of the Mandal Commission Report, structural adjustment programmes, signing of the Farakka Agreement, and Pokhran II and the nuclear deal with the United States were carried out during this period.

This opposition had many identity markers. Dalits were more forthcoming to speak on Dalit issues as women were on gender concerns. One of the social groups that came to be assertively present itself during this period in the Lok Sabha was the Backward Castes both in terms of its sustained representative strength and its issues and concerns. Although not wielded into a single party, they were united in their way of life, dispositions, and affinities. They hailed from peasant communities, held strong stakes in land, were well-versed in the regional languages, ethos, and folklore, had little versatility in English, and relished ethnic ways of life. Their approach to power was much more instrumental and they made boundaries between the opposition and ruling party fragile. Till the 1990s, Indian public institutions at the union level, particularly those in the public glare, were very uneasy about caste, although caste was an assertive presence in most of the states and they were accommodated at various levels. While caste was regularly invoked and practised, it was not mentioned much in public discourse. For the Backward Castes, caste became a common way of 'seeing and being in the world'.[57] Therefore, irrespective of the party they were in, Backward Caste representatives shared a common affinity and sense of belonging. Many issues that became central to the Lok Sabha in the 1990s were closely related to the concerns of backward castes and some of the most important constitutional amendments were directly or indirectly related to their concerns.

Dalits asserted their autonomy from Backward Caste politics from the early 1920s. While there was much conflict between backward castes and Dalits, such conflict was not spread throughout the social divide in India, was extremely uneven wherever it came to be embedded, and evoked highly differentiated responses to policy and political mobilization. Political assertion of Backward Castes too followed a trajectory different from that of Dalits. However, there was also much in common between the Backward Castes,

particularly those ranked socially low and economically poor, and Dalit communities. This ambivalence was reflected in the Parliament through the interventions of Dalit representatives in the House and the kind of stand that they took. While Scheduled Caste members largely cutting across political parties supported the cause of reservation for Backward Castes and certain imaginative slogans of the Bahujan Samaj Party (BSP) formulated a common bond across, they did not necessarily translate into a political bond.[58] The Backward Castes did not show a positive disposition to work under the political dispensation of Dalits.

The Dalit issue which was securely placed within the grid of preferential considerations or reservation policy came to be rearticulated by a burst of Dalit political activism in the 1990s. The BSP was only one of its expressions. Several Dalit leaders not associated with the BSP and non-Dalit members of the Lok Sabha too took an active interest in combating atrocities on Dalits in the House.[59]

The aggressive advocacy of Hindutva spearheaded by the BJP came to define the Lok Sabha in the 1990s, first as an opposition and subsequently as a ruling dispensation. Its interventions in the Lok Sabha raised fundamental issues regarding the nature of democracy, nationalism, citizenship, and rights of minorities. It resorted to mass action as in the demolition of the Babri Mosque in Ayodhya in 1992 but such action mobilized very different constituencies in comparison to those of the Socialists and Communists in the 1950s and that of the Congress in the 1970s. The public sphere in India came to reverberate with slogans that were far removed from the early 1970s. With the rise of BJP to power, particularly as the leader of the National Democratic Alliance (NDA) coalition in 1999, the opposition was constantly on its feet to find out the extent to which it would push the religious agenda. There were outfits of the Sangh Parivar, such as the Vishwa Hindu Parishad (VHP), which were threatening to take the law in their own hands to pursue designs dear to them. How state institutions would function given the intransigence of units of the Parivar was an important issue before the opposition. The following conversation has to be seen in this context:

H.D Deve Gowda (Janata Dal (Secular), Karnataka): ' ... on the one side the PM says that they are going to abide by the court verdict and on the other side the necessary preparations are being made to allow *karsevak*s to assemble there [in Ayodhya]. The Hon. Minister Miss Uma Bharati also says that they are not going to stop the construction of temple there at any cost. So whom should we believe? It is not the question of mere assurance made by the Hon. Prime Minister. We have had the bitter experience in the past. What happened in 1992 in spite of the affidavit filed by the then state Governor in the Supreme Court?'[60]

Vijay Kumar Malhotra (BJP, South Delhi) kept interrupting.[61]

H.D. Deve Gowda: 'We all know what happened in Gujarat ... (Interruptions)'[62]

When the Deputy Speaker suggested that the matter could be entrusted to the Business Advisory Committee,[63] Mulayam Singh Yadav (Samajwadi Party, Sambhal) retorted, 'Situation is serious there and you are talking about Business Advisory Committee. You repeatedly talk about Business Advisory Committee. You do not call us … (Interruptions)'[64]

The joining hands of the opposition on this issue made the Deputy Speaker ask the Prime Minister whether he wanted to reply to the issues raised.

A.B. Vajpayee: ' … the problem of Ayodhya is a complex one and efforts are being made to solve this problem. We have not been able to solve it due to our slow judicial process. Court has also not taken any decision yet.'[65] He continued, 'Till now Hindu Parishad [VHP] and its other affiliated institutions used to say that this matter could not be settled in court because it is a matter of loyalty. We rejected it in the NDA election manifesto and in the speech of President[66] we had cleared that Ayodhya dispute could be solved only by 2 methods: Firstly, by having discussions with each other and if it is not solved by this then, we could ask the court to give its decision as early as possible.'[67]

Apart from such caste, community, and majoritarian markers characteristic of the opposition, what we find in the 1990s is the increased assertion from the peripheries: Punjab, Jammu and Kashmir (J&K), and Northeast India. With regard to J&K, Article 371 became the focal issue and the opposition targeted the Congress for creating conditions for the rise of the Khalistan demand in Punjab.

Representative concerns associated with Dalits, Adivasis, and Backward Castes were to impact considerations on women's representation as well. The 81st Constitution Amendment Bill called the 'Women's Reservation Bill' proposed a reservation of 33 per cent seats in Parliament for women.[68] Earlier, the issue had come up in the *Constituent Assembly Debates* (*CAD*) but was rejected by women representatives as it was felt that the working of democracy in the normal course would ensure representation to all sections of Indian society. The suggestion was also seen as underestimating the strength of women as equals. While the opposition was not united on the issue of representation to women in the Parliament, several gender-related concerns made women close ranks across the party divide in the 1990s. On 8 March 1996, International Women's Day, Prathiba Patil (Congress, Amravati) suggested a comprehensive package for the empowerment of women: 'Incentives be given to girls for education so as to prepare them to exercise their equal rights and perform their responsibilities in the society. Proper and comprehensive education be given right from the primary stage so as to inculcate in the minds of boys and girls, proper attitude of equality and respect and responsibility to each other. Media be impressed upon not to project women in any form which is derogatory, obscene and vulgar. [Provision be made for] adequate reservation of seats for

women's representation in the state legislatures.'[69] Knowing well the reach of empty promises, she impressed on the need to monitor implementation of the policies and projects meant for improving women's status.[70] Uma Bharati (BJP, Bhopal) added her note to this gathering voice of women. She said, 'There should be a campaign not only for ensuring their [women's] equal rights but for equal respect as well.'[71] She felt that economic independence should be a higher priority to be pursued than even educational opportunities and called for the death sentence for certain rape crimes.[72] Girija Devi (Janata Dal, Maharajganj) reiterated Uma Bharati's stand and said, 'Women constitute 50% of the total population and if they are given 50% share in the property and right to education I am sure most of our problems will disappear.'[73] Like Pratibha Patil, Geeta Mukherjee (CPI, Panskura) drew attention to the weaknesses of the implementing machinery, demanded its strengthening, and argued for giving more powers to the Women's Commission.[74] There was a volley of other demands too. Malini Bhattacharya (CPI [M], Jadavpur) felt that the diverse demands made by women and on behalf of women needed to be synchronized. She called for reversing 'the deleterious effects that the structural adjustment programme is having on women's lives'[75] and sought land reforms with equal rights for women. There were also differences regarding how to ensure the equal participation of women. There were members such as Lovely Anand (Vaishali) who dissociated claims to equal rights from the demand for reservation, and said: 'I want that women should get their rights and not reservation … they do not require reservation; they have not come for alms with a begging bowl. Rather they should be given their rightful due and 50% participation.'[76] She further added, 'I want that they [girls] should be given full right in their in-laws houses before they become widows and during the life-time of their husbands.'[77] The Prime Minister P.V. Narasimha Rao charted an agenda, where shoddy achievements were mixed with generous promises: 'Every year we are taking new steps in order to empower women, starting with education, going into property relations. And now starting with Panchayats and other bodies, wherein politically their rights have been recognized by giving reservation and I hope that this reservation will extend to other bodies in course of time.'[78] By 1996, the 'daughters of independence' had come, by and large, to agree that abstract citizenship was only a cover for privilege and that difference had to be acknowledged.[79] Gender inequality invoked a shared concern across the House. But it was far thinly shared to beget the kind of intensity required for transformative practice.

The majoritarian assertion in the Lok Sabha in the form of Hindutva invariably brought the issue of minorities, particularly religious minorities, to the fore in the 13th Lok Sabha. Muslim, Christian, and Buddhist minorities became important considerations in the House in the 1990s and memories of the large-scale massacre of Sikhs in the wake of the assassination of Indira

Gandhi kept smouldering. The opposition brought out the complicity of certain vexing issues that confronted Indian polity with the ghettoization of Muslims such as the Babri Masjid–Ram Janmabhoomi stand-off, preferential policy measures opened up by the Mandal Commission, the uniform civil code, internal security, and terrorism. The non-BJP opposition targeted the central or the state governments, as the case may be, for their failure to protect minorities. In the first decade of the twentieth century, the relative deprivation and marginalization of Muslims became an important consideration in the Parliament that eventually led to the formation of the Sachar Committee. Dalit conversion to Buddhism resurfaced as a major issue. Attacks on Christians in Gujarat, Orissa, and in other parts of the country by Sangh Parivar activists and the issue of religious conversion became significant issues for the Parliamentary opposition time and again.

Other issues that the opposition highlighted over the period but which could not muster the kind of support and priority called for in the House resurfaced and quite a few of them found a place in the statute book. This has been the case with such proposals as the anti-defection law, Panchayat Raj, creation of new states, OBC reservation, statutory recognition to languages, and others. It is interesting to note that several proposals mooted by a ruling party or coalition government at one stage have been endorsed by the opposition-led governments subsequently after minor changes. It was a demonstration of the emerging consensus on these issues within the polity as a whole. In the Communist opposition and for a time among sections of the BJP, there was apprehension about the policy of liberalization that came to be such a prominent face of public policy in India from the early 1990s. The rest of the opposition, however, tended to endorse substantial aspects of the policy. Even in smaller parties there was a broad consensus on this issue. However, certain consequences of liberalization were not acceptable to significant sections of the opposition such as dispossession of land, Special Economic Zones (SEZs), and displacement of people in the name of Industry and infrastructure.

Terrorism emerged as an important issue in the armoury of the opposition in the first decade of the third millennium. In the 13th Lok Sabha the opposition succeeded in making the government spell out the framework of international collaboration that was developing on the issue of terrorism. The following question and response brings it out.

Moinul Hassan (CPI [M], Murshidabad): Will the minister of External affairs be pleased to state:

(a) Whether the government proposes to explore ways to combat terrorism
(b) If so whether the government is in touch with other countries to deal with terrorist activities
(c) If so, the details thereof

(d) Whether the government have signed an agreement with the U.S.A. to find out areas of co-operation to fight against the threat of terrorism.
(e) If so, the details thereof
(f) Whether such co-operation was sought by the Government from big powers at the time of hijacking of Indian Aircraft in December 1999 and
(g) If so, extent to which India is likely to be benefited?[80]

The Minister of External Affairs, Jaswant Singh, laid down a fairly detailed outline of the framework that the government was evolving before the House:

(a) to (c) Government of India continues to attach the highest priority to combating terrorism. With this in mind, India has been at the forefront on generating international consensus to explore ways and means to combat the menace of terrorism. The government has been in touch with several countries in the matter and they have offered co-operation in our fight against terrorism. (d) and (e) No such agreement has been signed with U.S.A. However, in the first meeting of the Indo-US joint working group on counter-terrorism, which took place in Washington this month, the two countries agreed on a range of measures to enhance the co-operation to combat international terrorism and as part of this process, the two sides would share experience, exchange information and co-ordinate approaches and action. (f) and (g) Soon after the hijacking of the Indian Airlines aircraft in December 1999, the Minister of External affairs personally contacted several of his counterparts within the international community including those in neighboring countries, member countries of the U.N. security council and of Governments with nationals abroad the hijacked aircraft. The foreign secretary also spoke to several of his counterparts and heads of diplomatic missions in New Delhi. In all instances, pledge of support and co-operation were made.[81]

In the context of the issues that came to be highlighted in the 1990s and beyond and the way they were proposed, a tentative generalization is in place: it was abundantly clear that no one single issue, no matter how emotive it was, could be the basis of governance. There were far too many issues clamouring for attention. Internal security, however, became one of the most important issues confronting the polity in the1990s and in the first decade of the third millennium. This issue encompassed a range of concerns and rights of citizens caught in the vortex of security. The Naxalite violence, counter insurgency operations including those professing civic activism but enthusiastically supported by the state such as Salwa Judum, the insurgency in the Northeast, militancy and army action in J&K, activity of militant religious outfits, and even censorship of public culture and mores were important considerations in this regard. While many of these activities fell within the sphere of state powers, they had much bearing on several powers of the union government.

The opposition was also stepping into issues of India's external policy in a big way. Parliamentary opposition had always elicited a critical interest in foreign policy issues, but India's nuclear deal with the United States for the

first time threatened the defeat of the government on the floor of the House by a united opposition. While the government did everything to ensure that the trust motion moved against it was defeated, the opposition closed its ranks across the ideological divide. It was a splendid demonstration of an overlapping consensus in the opposition, otherwise divided, on issues that they ostensibly regarded as of prime importance to the health of the polity.[82]

Many things differ between the opposition of the 1990s and beyond and that of the 1970s. While the opposition sometimes acted in a contrarian fashion as the absolute other of the ruling party/coalition, a stronger disposition to extend issue-based cooperation was manifest on several occasions. In the process, a party breaking its ranks with the ruling combine or the opposition alliance on issues became much more frequent. The opposition was closer to the exercise of power during this period than at any time before. It invested a sense of responsibility on the opposition that was rarely displayed earlier. The Opposition too became much more reflective. Its positions and proposals came under the careful scrutiny of the media that had expanded by leaps and bounds during this period. One of the major developments in the 1990s was the coordination within opposition parties. The NDA, first formed in 1996 as an opposition platform, continued to survive even after its defeat in the elections in 2004, although in a reduced role. There was an attempt in floor coordination by opposition parties. For some time even the smaller partners in the NDA sans the BJP tried to develop some coordination among themselves against the larger partner although such an attempt was frowned upon by the latter.[83]

However, some glaring weaknesses of the institutional opposition were highlighted during this phase. It failed to enforce day-to-day accountability and engage the government with regard to on-going policies. Only the spectacular came to be highlighted with a view to elections or weakening the hold of government on the public. Discrete scrutiny of the departments or ministries or the collective working of the government as a whole remained weak, in spite of the evolution of a departmentally-related committee system. Members of the opposition did little investigation on their own, a strong feature in the 1950s and 1970s, and fell back upon the media to highlight issues. A number of issues that confronted the opposition during this period required complex analysis and steady application but such talent was scarce. In this context, the leaders of the opposition in the Lok Sabha loomed large, given their role in elections, rather than a discrete member of the opposition who did his ground-work and subjected the government to close questioning on an issue. The latter had to resort to other platforms such as the media to make his point. There too provisions of anti-defection law could act as a Damocles' sword. There are few heroes that the opposition produced in the 1990s as it did in the 1950s in spite of its spectacular growth. While the opposition rallied

behind a broad range of rights and for the protection of concerns of belonging and dignity, the nexus between the opposition parties and mass action came to be weak. The masses came to be increasingly mobilized by agencies whose ties with political parties were far too feeble. There was also a weakening of the relation between popular and electoral mobilization.

THE OFFICE OF THE SPEAKER[84]

The office of the Speaker occupies a pivotal position in Indian Parliamentary democracy. The general understanding of the role of the Speaker in a Parliamentary democracy is that while the members of Parliament represent individual constituencies, the Speaker represents the full authority of the House itself. Even though the Speaker rarely speaks, when he does, he speaks for the House as a whole. The Speaker is looked upon as the guardian of the traditions of Parliamentary democracy.[85] The responsibility entrusted to the Speaker is heavy and therefore cannot afford to overlook any aspect of Parliamentary life. The Constitution, rules of procedure and conduct of business in Lok Sabha, and its practices and conventions vest him with vast powers to help him in the smooth conduct of the proceedings and for protecting the independence and impartiality of the office. His actions come under close scrutiny in the House and the mass media. With the televising of proceedings of the Parliament, the small screen brings to millions of households in the country the day-to-day developments in the House making the Speaker's conduct open to public scrutiny.

One of the first acts of a newly constituted House is to elect the Speaker, usually a member belonging to the ruling party. In a significant departure from this precedent, from1996 to 2009 Speakers of the Lok Sabha have been members drawn from one of the parties of the coalition, often small, or even supporting parties. In 1996, P.A. Sangma of the Congress was elected the Speaker of the 11th Lok Sabha, G.M.C. Balayogi of the Telugu Desam Party (TDP) became the Speaker in 1998 and following his death Manohar Joshi of the Shiv Sena, a partner in the NDA coalition, remained the Speaker till 2004. Somnath Chatterjee belonging to the CPI (M), before he was elected as Speaker in 2004, was a member of the Lok Sabha for many years. While the Left parties refused to join the government, the CPI (M) allowed one of its members to become the Speaker of the House, making a distinction between the Executive and the Legislature.[86]

The Speaker has extensive functions to perform in the administrative, judicial, and regulatory matters falling under his domain. He is the ultimate arbiter and interpreter of those provisions which relate to the functioning of the House. His decisions are final and binding and ordinarily not questioned, challenged or criticized. The final authority for adopting rules for regulating its

procedure rests with each House, but the Presiding Officers of the two Houses are given vast powers by the rules. The Speaker is the guardian of the rights and privileges of the House, its Committees, and members.[87]

Under the Constitution, the Speaker enjoys a special position insofar as certain matters pertaining to the relations between the two Houses of Parliament are concerned. He certifies Money Bills and decides finally what constitutes money matters. He presides over joint sittings called in the event of disagreement between the two Houses on a legislative measure. Though himself a member of the House, the Speaker does not vote in the House except on those rare occasions when there is a tie at the end of a decision. Till date, the Speaker of the Lok Sabha has not been called upon to exercise this unique casting vote.

As regards recognition of parliamentary parties, it is the Speaker who lays down the necessary guidelines. It is he who decides on granting recognition to the Leader of the Opposition in the Lok Sabha. Following the 52nd Constitution Amendment, the Speaker is vested with the power relating to the disqualification of a member of the Lok Sabha on grounds of defection.

While formally the office of the Speaker is well endowed, most have lived under the shadow of the Executive. Since the speakers have generally hailed from the ruling party and the ruling party has wielded a majority in the House, there were enormous pressures that tended to tilt the sympathies of the Speaker. However, under coalition governments, with narrow majorities in the House, the role of the Speaker has become crucial. The anti-defection law confers enormous powers on the Speaker regarding the status of a member or groups of members showing sympathies to a party other than his own in the House. The recent cases of disqualification of members either on grounds of 'cash for query' or impersonation, and the upholding of such powers of the House by the Court eventually reposes in the collective wisdom of the House enormous powers to decide whether a representative continues to remain one or not.[88] In the 1990s and beyond this office has been in the process of redefining itself.

THE ANTI-DEFECTION LAW AND THE SPEAKER

The provisions of the Anti-Defection Law have enormously strengthened the office of the Speaker of the Lok Sabha and those of the Legislative Assemblies. The Anti-Defection Law made political parties essential to the legislative process.[89] Earlier the Constitution let members vote according to their convictions and ideas of representation, but the anti-defection provisions brought political parties to the fore and imparted a new nuance to the idea of representation. Political parties and the electoral verdict became central to representation rather than the person of the representative.

The remarkable shift that the Anti-Defection Law makes is in the role of the Speaker. The power to decide questions as to disqualification on ground of defection is vested in the Chairman or Speaker of the House concerned. This provision also confers a great deal of autonomy on the House to regulate its affairs. However, the law provides that if a member occupying the office of the Speaker of the House of Parliament, including the Deputy Speaker, severs his connection with his political party, he does not incur disqualification and he is free to join the party under which he was elected after he ceases to be a Speaker.

It must be remembered that Speakers in India, unlike in the United Kingdom (UK), are not expected to resign from their political party after being elected to the post. One of the charges that have been made against investing the powers of disqualification in the Speaker is supposedly his extant loyalty to the party that he belongs to, and the partisanship that arises from his continuance in office being dependent on the support of the ruling party or coalition. It is argued that these loyalties and attachments make it unrealistic to expect him/her to function without party considerations, placing a question mark on his impartiality. The Speaker himself could be an interested party in a case of defection and making him a judge in such a case violates the principle of *Nemo judex in cause sua*, one cannot judge in one's own case. It has been argued that Articles 102 and 191 provide disqualification of a member of the Parliament by the President or of a member of the state Legislature by the Governor following the advice to this effect by the Election Commission. Given the anti-defection provisions as being 'species of the same genus', it has been argued, the same process can be applied rather than vesting this authority in the Speaker or the Chairman.[90] However, defections are not merely issues of procedures and ability to represent but involve substantive questions of what constitutes representation and this issue is integral to the very constitution of the Legislature.[91] The Court too has upheld that, given the institutional responsibility vested in the Speaker/Chairman of the House, his other affiliations should not be brought in to cloud his role.

It is, however, important to point out that the role of the Speaker is one of the least rooted institutions in India and has to reinvent itself. Often the Speaker is far more beholden towards the Executive. For long, the Executive has tended to dominate the office of the Speaker in India. But with no single party commanding a majority, the emergence of numerous but significant parties, the formation of coalition governments and the anti-defection provisions, the office of the Speaker is coming on its own. P.A. Sangma, Somnath Chatterjee, and even Manohar Joshi proved themselves as impressive Speakers although they hailed from the margins of the Lok Sabha.

WORK OUTPUT OF PARLIAMENT

One of the major reasons cited for the decline of the Parliament has been its inability to carry out the tasks before it with competence and dedication that a public service worth its name calls for. Critics of Parliament have highlighted the decline of the Parliament by highlighting some of its actions and omissions, sometimes with gross exaggeration. However, there is a huge problem of defining what constitutes satisfactory functioning of representative democratic institutions, given the scale and complexity they are confronted with. Merely emphasizing on orderly functioning, in accordance with rules and procedures, may not pay adequate regard to concerns of responsiveness to one's constituency, electoral exigencies and party demands. On the other hand a qualitative assessment of the outcome of parliamentary work is fraught with difficulties, as it varies sharply according to differing perceptions of representation. It is important to take into account the complex factors that shape the working of the Parliament, factors which if not taken into account may result in a distorted understanding of its working. Cost benefit analysis of Parliament such as number of hours lost, duration of the sittings and adjournments and 'value for money' are not merely simplistic but also dangerous in the extreme.[92] At the same time given the appeal of these yardsticks of assessment in the public domain, specifically among the 'middle class', it may be worthwhile to look into the changes in the 'budgeting' of resources and time by the Parliament.

One of the most important criticisms against the Parliament in general and Lok Sabha in particular has been the time lost in its work practices. While it is not possible to assess in detail every aspect of the complex functioning of the House it is possible to look into a few indicators. Table 8.1 demonstrates that the Lok Sabha spent a lot of time airing grievances and needs. In all, one-third of the time of the Lok Sabha has been spent on airing the grievances and it has been progressively on the increase. However, it is important to note that some of the devices that arose for the airing of the grievances were indigenous in origin and were central to the considerations of representation in context.[93]

The time spent by the Lok Sabha on different chores has not remained the same. Some chores such as Matters of Urgent Importance, rule 377[94] and Motions have begun to consume much more time. The proportion of time spent on Budget and Bills has declined. In a way it demonstrates the growing pressure of other concerns that members bring into the Parliament and the technical turn to budget-making and law-proposals. Besides, the Lok Sabha has increasingly embraced the committee system[95] to carry out its responsibilities and enhance its efficiency. It has heavily drawn from the experience of other parliamentary systems, particularly Britain, and India's

Table 8.1 Time Spent on Different Chores by the Lok Sabha

Lok Sabha	*8th*	*9th*	*10th*	*11th*	*12th*
Questions	12.80	10.14	11.80	9.58	8.96
Bills	25.05	16.18	22.16	15.66	16.60
Budget	21.74	16.00	17.38	17.60	14.68
AdjournmentMotion	0.56	4.78	0.93	0.98	N.A.
CallingAttention	3.85	2.75	0.41	0.84	0.97
Matters of Urgent Importance	15.77	12.95	7.40	8.30	19.15
Rule 377	2.46	2.14	1.83	1.98	11.51
Motions	3.66	4.35	6.53	17.33	
Resolutions	5.47	5.72	6.23	4.63	4.45

Source: M. Manisa, 'Parliamentary Democracy in India: Class Character of the Lok Sabha', in Aneek Chatterjee (ed.), *Indian Parliamentary Democracy in Transition* (Kolkata: Presidency College, 2005), p. 171.

own colonial experience of constitutionalism in this regard. The system has also been overhauled radically in recent years through the introduction of Departmentally Related Standing Committees (DRSCs).

Table 8.2 shows that there is no major variation in the average hours of sitting of the House from the 1950s to the 1990s. There is a significant decline in the number of days of the working of the Lok Sabha in 1990s in comparison to the earlier decades. The committees, particularly the DRSCs are consuming a great deal of time of the members. If we add the days spent in DRSCs the number of days of sitting of the House shows an increase rather than a decline.

Table 8.2 Sittings Held and Time Spent (First to 13th Lok Sabha)

Lok Sabha	*Number of Sittings (Days)*	*Time taken (Hours)*	*Average Per Day in Hours and Minutes*
First	677	3,784	5:35
Second	567	3,651	6:26
Third	578	3,733	6:27
Fourth	467	3,029	6:29
Fifth	615	4,071	6:38
Sixth	267	1,753	6:34
Seventh	464	3,324	7:10
Eighth	485	3,224	6:38
Ninth	109	754	6:55
Tenth	423	2,527	5:58
Eleventh	125	813	6:30
Twelfth	88	575	6:32
Thirteenth	356	1,945	5:46

Source: Lok Sabha Secretariat, New Delhi.

The assessment that the extent of the work done by the Parliament in general and of the Lok Sabha in particular has declined enormously over the years and particularly so in the 1990s is not warranted. There has been much decline in the extent of time spent in the traditional chores of screening and approving of budgets and proposals for law. Much of this chore is the province of the specialists and the concerned committees of the House are expected to play greater role in their scrutiny. Further, there has been a sea-change in the conception of representation. Many of the representatives of the newly inducted social groups are in search of modes of representation that are appropriate to reach out to their constituencies.

The Parliament is neither a board room nor a seminar hall. It is important for us to carefully note and even feel not merely what is happening within the Parliament but also what is not happening; what should have happened, and what should not have happened. There are umpteen ways that a representative thinks he represents the causes that he stands for. Given the structures of the Parliament and the overload that it bears, many members in the Parliament hardly get an opportunity to make a cogent and full blown presentation. Several members of the House discover that the structure of presentation itself is quite alien to them and cannot adequately gear themselves up to make such presentations. This is in spite of the fact that some of them are very competent speakers in the regional public domain and great political workers.

Understanding is not endorsement. There are ways of arguing out a point and making a competent presentation. There are moments to be silent and there are moments to intervene. We can see this played out to an extent with elegance and intensity through the Constituent Assembly Debates, at least the version of the debates that are available to us in print. Even in the Constituent Assembly Debates there are moments of tension and breakdown of conversation but it is definitely a high point of what is possible. Even in the Lok Sabha debates there are several instances when the House measured up to this benchmark. In recent years certain deeply divisive issues such as the Mandal Commission recommendations, the Babri Mosque-Ram Janmabhoomi stand-off, the Gujarat riots following the Godhra incident, Backward Class reservation, proposal for women reservation, and the nuclear agreement with the Unites States threw up much passion and acrimony but also some of the best arguments for positions and views at stake. However, sometimes, beyond a threshold, everything is lost in the din and clamour, and, eventually what transpires is what the Executive with an assured majority in the Lok Sabha intends to carry out.

In recent years the Parliament in general and the Lok Sabha in particular have evolved several self-corrective mechanisms to put its own House in order. While many of them have been discussed earlier it might be important to

draw attention to a few others. Often the powers, privileges, and immunities of the Houses of Parliament and of the members of the Committees of the two Houses are not employed properly. In *P.V. Narasimha Rao* v. *State*,[96] the Court pronounced that while bribe-givers, who were MPs, could not claim immunity under Article 105, the bribe-taking members of the Parliament, could claim such immunity if they had actually spoken or voted in the house in the manner indicated by the bribe-giver. Such a stand of the Court evoked widespread disagreement.[97] However, the recommendation of the NCRWC that corrupt acts including accepting money or other gratifications offered to speak or vote in a particular manner should be punished has already been implemented by the House. In the process the House has become more exacting towards its members and there has been a broad party consensus on this issue.[98]

Suggestions to improve the functioning of the House are galore[99] but it is important to see the overall bearing of these suggestions in terms of the principles that under-gird the Parliament. These suggestions need to be palpable to the working of the Parliament in India with its myriad challenges.

PUBLIC PERCEPTION OF THE INSTITUTIONAL EFFICIENCY OF THE LOK SABHA

What is the public perception regarding the institutional competence and efficiency of the Lok Sabha? While such perception is necessarily limited on account of the numerous variables that shape it, it provides us a feel of the working of the Lok Sabha that echoes in the public sphere in India. Besides, the efficiency of any institution is not a fixed quantity and susceptible to significant variations over time.

An overwhelming number of our respondents feel that the efficiency of the Parliament has declined over the years (see Table 8.3). Interestingly, such a stance does not seem to run counter to a majority of our respondents taking the stand that they would not wish to switch over from a Parliamentary system to a Presidential one. The conclusion seems to be loud and clear: a majority of the respondents would like to see significant improvement in the working of the institution.

Table 8.3 Efficiency of the Parliament

Q 4. Do you think the efficiency of the Parliament has declined over the years?			
Yes	No	No Response	N
107	8	4	119

Source: Questionnaire administered to public intellectuals.

The criteria employed to judge efficiency varies from one context to another. Institutions are to meet their work output although they in turn also define the nature and quality of their output. We sought to know from our respondents the criteria that they would employ to assess the efficiency of the Parliament on a descending scale of 10 criteria (see Table 8.4).

The largest number of our respondents proposed that efficiency of the Parliament has to be defined in terms of the quality and clarity of the debate in the House. This is true even if we aggregate the first three preferences of our respondents. The other indicators of efficiency for them, in an order of priority, were participation in the deliberations in the Parliament, knowledge of public affairs, ability to understand and articulate the concerns of the complex social cleavages in India, loyalty and commitment to the goals and objectives of the House, and so on. According to them the issues of least priority were spade work and follow on, speed with which a proposal gets accepted or rejected, procedural etiquette and decorum of members. It is important to note that our respondents do not measure the efficiency of the Lok Sabha with the same yardstick that one would measure a corporate enterprise or even a household.

Institutional Subculture

It has been pointed out that one of the reasons why institutions endure is that they are implicated in a subculture whose norms, beliefs, and practices their associated members share. Such a sharing is manifest through an umpteen number of ways wherein much bonding and informal transactions take place. Such informal interactions greatly aid in the formal functioning of the institutions concerned.

A large majority of our respondents feel that the Lok Sabha has not succeeded in begetting a distinct subculture of its own (see Table 8.5) and therefore the associational ties of members remain fragile and far too thin. While members of the Parliament may come together to work in institutions, respondents feel that they do not necessarily beget shared ways of life and sensibilities.

We have identified three phases of the working of the Parliament. How do our respondents assess the efficiency of the Parliament across these three phases? Nearly half of our respondents feel that the functioning of the Parliament was excellent in early 1950s (see Table 8.6). In fact, the 1970s scores over the 1990s in this regard—a good percentage of respondents thought that the efficiency of the Parliament during this period was good or satisfactory. A vast majority regards the efficiency of the Parliament as less satisfactory or improper in the 1990s, although there is some polarization with regard to this assessment.

Table 8.4 Criteria of Efficiency

What Criteria Would you Employ to Measure Efficiency? (Prioritize)	*1st Preference*	*2nd Preference*	*3rd Preference*	*4th Preference*	*5th Preference*	*6th Preference*	*7th Preference*	*8th Preference*	*9th Preference*	*10th Preference*
i	9	5	9	8	5	6	8	11	11	18
ii	4	5	9	7	4	8	11	15	17	13
iii	44	27	9	9	10	4	4	1	2	1
iv	17	23	19	9	15	5	4	4	3	4
v	3	9	9	7	16	13	8	13	6	8
vi	16	8	17	15	8	9	12	8	9	1
vii	5	5	10	14	12	11	15	7	8	8
viii	8	14	13	15	13	14	7	7	7	3
ix	8	7	4	7	6	10	8	16	14	10
x	9	17	14	14	7	10	11	3	5	9

Source: Questionnaire administered to public intellectuals.

Notes: No Response = 1; One respondent has given 3rd preference to all; another respondent has mentioned that his reaction to all issues are negative; N = 121.

(i) Volume of business transacted.
(ii) Speed with which a proposal is accepted or rejected.
(iii) Quality and clarity of debate.
(iv) Participation in the deliberations of the Parliament.
(v) Spade work and follow on.
(vi) Loyalty and commitment to the goals and objectives.
(vii) Procedural decorum and etiquette of members.
(viii) Knowledge on public affairs in general and the central concerns of the Indian polity in particular.
(ix) A deep concern for one's own constituency.
(x) Ability to understand and articulate the concerns of the complex social cleavages in India.

Table 8.5 Institutional Subculture

Q 6. The Lok Sabha as a Public institution has not evolved an institutional subculture of its own expressed in ways and modes of its institutional functioning. There are not many informal processes that bring a cross-section of the members of the Lok Sabha together across party lines. Their coming together is contingent upon institutions and processes outside them: Do you agree?

Yes	No	No Response	N
92	26	8	126

Source: Questionnaire administered to public intellectuals.

Table 8.6 Indian Parliament and its Efficacy

Q 5. Assess the relative efficacy of the Indian Parliament on the following scale:

Periods	*Excellent*	*Good*	*Satisfactory*	*Less Satisfactory*	*Improper*
Early 1950s	61	38	9	4	1
Late 1970s	5	44	43	18	4
Late 1990s	2	6	23	58	29

No Response = 2: N = 121

Source: Questionnaire administered to public intellectuals.

The Lok Sabha and Corruption

One of the charges often made against the Parliament in general and the Lok Sabha in particular is the criminal background of many of its members. Such backgrounds are seen as deeply implicated in arm-twisting, use of violence and force, and other unacceptable ways. The number of members, with such backgrounds, seems to have exponentially grown in the 1990s.[100]

Nearly 50 per cent of our respondents feel that corruption and criminalization have become integral to our legislative process (see Table 8.7). However, it has to be noted that nearly 50 per cent of our respondents do not endorse such an opinion and probably still think that the probity of the House has as much to speak for it as its ailments.

Table 8.7 Lok Sabha—Corruption and Criminalization

Q 3. Has corruption and criminalization become essential to the reproduction of Indian electoral democracy?

Yes	No	No Response	N
61	46	12	119

Source: Questionnaire administered to public intellectuals.

* * *

One of the greatest challenges that the nascent Parliamentary democracy faced in India was the consolidation of the institution of the opposition when the oppositional national movement turned itself into the ruling dispensation. While leaders like Nehru desired an opposition within the Parliament, that such an opposition was formed despite such a desire went a long way in wielding an articulate, although fragmented, opposition in the Parliament in the 1950s. Right from the beginning this opposition pursued a twofold strategy: holding the Executive accountable within the House and mass mobilization favouring popular demands and opposition to government policies. Over the years, the opposition has registered a tremendous growth: it encompasses diverse ideological and political perspectives and has affected the much needed floor coordination in its responses. It has carved out a place for itself in the complex of institutions that form the Parliament today. However, one of its major weaknesses has been its inability to elicit a continuous accountability of the Executive. In fact the desire to occupy treasury benches seems to drive the opposition much more rather than wearing out the adversary and thereby sustain it in its course of action. In the 1990s and beyond the scope for an effective opposition has enormously grown although mass mobilization which was a characteristic feature of the opposition in the 1950s and 1970s seemed to have slackened a great deal. The institution of the Speaker of the Lok Sabha has remained in the shadows of the Executive for long, although with the onset of coalition governments there has emerged a great opportunity for the redefinition of this role. While all formal trappings of the institutional role of the Speaker are in place in India, the major drawback has been in defining an autonomous tradition incorporating such a role. The Anti-Defection Law has refocused on this office and endowed it with great powers to decide the status of a member of a House. Similarly, there has been a wide acceptance across the different stake holders in the House, as well as in the complex of governance, of the powers of the House to self-discipline and discipline its recalcitrant members. The Speaker, however, is faced with a paradoxical situation: measures such as the Anti-Defection Law which have enormously strengthened the hands of party leadership and his own hands also have the capacity to gag a voice that may be much more responsive to the onerous responsibility of representation than what his or her political leadership considers at the moment.

There has been a huge growth of the committee system in the Parliament, much of it being imitative rather than imaginative. However, some of the experiments that have been tried out in the 1990s may have great possibilities of holding the executive to accountability as well as enhance the levels of functioning of the House. This is particularly the case with regard to the Departmentally-Related Standing Committees. The charges leveled against the inefficiency of the House have to be seen in the context of the new division

of labor that is taking root within the House although there is much room for improvement in this regard. Overall, the Committees have not hitherto succeeded in keeping the executive on its toes. There is much that the Committees can learn from the higher echelons of the judiciary in this regard.

While the processes and institutional functioning of the Lok Sabha do not indicate a decline of the House it has not succeeded in demonstrating that it is a House at work and in action. Although the judgement of intellectuals in this regard may not be without a dose of prejudice and certain contempt for democracy, those judgements themselves are manifest factors of public life in India. The 1990s have opened up enormous possibilities in this regard, after the downhill phase of the 1970s, when diverse sections of civil society have begun to look towards a membership of the Lok Sabha. This may hold out its distinct possibilities, but may also widen the gulf that exists between concerns of representation and governance by wielding an energized dominant bloc in place.

NOTES

1. Harold J. Laski, *Parliamentary Government in England* (London: George Allen & Unwin Ltd, 1938), p. 154.
2. See Anthony King, 'Modes of Executive–Legislative Relations: Great Britain, France and West Germany', *Legislative Studies Quarterly*, vol. 1, 1976, pp. 11–36; T. Saalfeld, 'Members of Parliament and Government in Western Europe: Agency Relations and Problems of Oversight', *European Journal of Political Research*, vol. 37, 2000, pp. 353–76.
3. Ramakrishna Hegde, *Thoughts and Vision: Collection of Speeches and Articles* (Bangalore: Legislator's Home, 2001), p. 392.
4. Ibid., p. 400.
5. Ibid., p. 396.
6. Hegde refers to the incident of Sadiq Ali, the then General Secretary of the All India Congress Committee (AICC), commissioning J. Bandhopadhyaya to write an essay on 'The Theory and Practice of Parliamentary Opposition', which was published by the AICC in 1967. Hegde, *Thoughts and Vision*, p. 393.
7. Ibid., pp. 394–6.
8. Ibid., p. 400.
9. Hegde mentions an agreement under the auspices of the Speaker on 10 June 1980 in this regard.
10. Hegde, *Thoughts and Vision*, p. 406.
11. Ibid.
12. Arun Shourie, *The Parliamentary System: What We have Made of it What We can Make of it* (New Delhi: Rupa & Co., 2007), p. 25.
13. C.V. Madhukar, 'House This for Debate?' in *The Indian Express*, 3 January 2007.
14. Ivor Jennings, *Cabinet Government*, 3rd edition (Cambridge: Cambridge University Press, 1959).
15. Shourie, *The Parliamentary System*, p. 65.
16. Ibid., p. 68.
17. Ibid., p. 67.

18. The voting on the trust motion on the nuclear agreement between India and the United States on 22 July 2008 highlighted this issue very vividly.

19. The citizenship of Sonia Gandhi became one of the important rallying points for the opposition at several junctures, particularly just prior to and in the immediate aftermath of the 2004 Lok Sabha elections.

20. Quoted in Granville Austin, *Working of a Democratic Constitution* (New Delhi: Oxford University Press, 1999), p. 16.

21. Jawaharlal Nehru, *Glimpses of World History* (New Delhi: Penguin, 2004), p. 642.

22. Donald E. Smith, *Nehru and Democracy* (Calcutta: Orient Longman, 1958), p. 54.

23. Ibid.

24. Cited in Hiren Mukherjee, *The Gentle Colossus* (New Delhi: Oxford University Press, 1964), p. 222.

25. Ibid., p. 56.

26. See Chapter 3, Table 3.1 of this volume.

27. Government of India, 'Open Hostility', *Communist Violence in India* (New Delhi: Ministry of Home Affairs, 1949), p. 56.

28. Cited in *Presidential Ordinances 1950–1984* (New Delhi: Lok Sabha Secretariat, 1985), p. iv.

29. Letter dated 13 December 1950. Ibid., p. v.

30. C. Rajagopalachari , *Our Democracy* (Madras: B.G. Paul and Co., 1957), p. 1.

31. B.K. Nehru, *Nice Guys Finish Second* (New Delhi: Penguin, 1997), p. 516.

32. On the three modes of politics, the modern, saintly, and traditional, see W.H. Morris-Jones, *Parliament in India* (London: Longmans, Green and Co., 1957), pp. 37–40.

33. *Lok Sabha Debates* (*LSD*), vol. X, 27 May 1952, General Discussion on the Railway Budget, p. 641.

34. Ibid., p. 643.

35. Ibid., p. 1073.

36. Ibid, p. 1060.

37. See P.C. Joshi, *Land Reforms in India: Trends and Perspectives* (Bombay: Allied Publishers, 1975).

38. *LSD*, vol. XXIV, 15–20 December, 1958, p. 1456.

39. Ibid., p.1458.

40. Ibid., p. 1463.

41. Ibid., p. 1467.

42. Ibid., p. 1474.

43. Ibid., p. 1458.

44. *LSD*, vol. X, 27 May 1952, p. 1072.

45. Ibid., General Discussion on the Railway Budget, p. 1061.

46. 'Election Manifesto', Socialist Party, Hyderabad, 1957, p. 6.

47. In this context it has to be noted that leaders tended to keep leadership in the Lok Sabha and party leadership to themselves to the extent possible. Nehru set the example in this regard by easing out Purushottamdas Tandon and assuming party leadership himself. See Stanley A. Kochanek, *The Congress Party in India* (Princeton: Princeton University Press, 1968), chapter 2.

48. Speech at the Party's founding conference, 28 December 1955.

49. Austin, *Working of a Demccratic Constitution*, p. 175.

50. See Policy Resolution from *Indian National Congress 73rd Plenary Session, Bombay, December 1969*, AICC, New Delhi.

51. S. Mohan Kumaramangalam, *A Review of the Communist Party Policy from 1947*, Madras, 23 May 1964, pp. 18–19.

52. It was led in Parliament by Morarji Desai and had 65 seats in the Lok Sabha and 46 in the Rajya Sabha.

53. See Stanley A. Kochanek, 'Mrs Gandhi's Pyramid: The New Congress', in Henry C. Hart (ed.), *Indira Gandhi's India* (Colorado: West View Press, 1976), p. 111.

54. Soon after the Janata Party came to power, one of the major demonstrations of the resort to populism was Indira Gandhi's visit to Belchi, a village in Bihar, in August 1977, where a dozen Dalits were massacred and thrown in the fields and burnt. There was little concerted action by her to undermine widely prevalent practices of untouchability.

55. These floating partners included parties such as the DMK or Ram Vilas Paswan's Lok Jan Shakti Party.

56. The P.V. Narasimha Rao government too was a minority government initially but soon the Congress acquired a majority due to the switching over of other groups to the Congress.

57. Nivedita Menon and Aditya Nigam, *Power and Contestation: India since 1989* (New Delhi: Orient Longman, 2007), p. 18.

58. The popular slogan of the platform of DS4 (Dalit Shoshit Samaj Sangharsh Samiti) floated in 1981 was '*Thakur, Brahmin, Bania Chor, Baki Sab hai DS4*' (thakurs, brahmins and banias are thieves, the rest are exploited communities) or '*Tilak, taraju aur talwar, isko maro joota char*' (those who bear the insignia on their foreheads, who live off the scale and wield the sword, deserve a good drubbing), and so on.

59. See *LSD*, vol. XLVII, no. 9, 11 March 1996, pp. 273–4.

60. *LSD*, vol. XXII, 11–14 March 2002, p. 25. Generally all issues that ascribe a negative identity to a party provoke interruptions in the Lok Sabha.

61. Ibid., pp. 26–7.

62. Ibid., p. 26.

63. In the Lok Sabha, the Business Advisory Committee consists of not more than 15 members including the Speaker, who is its ex-officio Chairman. The main function of the committee is to recommend the time that should be allotted for discussion of the stage or stages of a government bill or other business.

64. *LSD*, vol. XXII, 11–14 March 2002, p. 26.

65. Ibid., p. 36. We have argued earlier that this delay by the Court was supportive of the Parliament.

66. The Presidential Address stated:

'Maintenance of communal harmony and adherence to the secular ideals of our constitution are the bedrock of our national ethos … The Ayodhya dispute is one of the contentious issues before the Nation. Its amicable and speedy resolution is crucial for communal harmony and national integration. The government is firmly of the view that this dispute can be resolved either through mutual agreement among all parties concerned or through a verdict of the judiciary' (*LSD*, vol. XXII, 25 February 2002, pp. 32–3).

67. Ibid., p. 36.

68. There were certain precedents already set in this regard. The 73rd and 74th Amendments had introduced one-third reservation to women in all the Panchayat Raj institutions.

69. *LSD*, 10th Series, vol. XLVII, no. 8, 8 March 1996, p. 198.

70. Ibid., p. 198.

71. Ibid., p. 200.

72. Ibid.

73. Ibid., p. 201.
74. Ibid., p. 202.
75. Ibid., p. 202.
76. Ibid., p. 203.
77. Ibid.
78. Ibid., p. 204.
79. Ibid., p. 29. The Bill on Reservation of Seats for Women in the Parliament and State Legislatures, 1996, was referred to a Joint Select Committee. In 1998 the Bill was introduced afresh by the coalition government led by the BJP but again met with strong opposition and was derailed. Those who favoured women's reservation without qualifying it made their plea on grounds of gender justice. Representatives of OBCs and Dalits argued that a blanket reservation of seats for women would reinforce upper caste presence in the polity in general and in the House in particular. They demanded reservation within reservation. This opposition to reservation without any qualification was present within major parties as well where Backward Caste leaders were much more predisposed to reservation within reservation. It made these parties less ardent to pursue the measure which otherwise they held forth in public. A Bill was introduced in the Rajya Sabha afresh on this issue in the budget session 2008 and was handed over to a Joint Committee of the House. This Constitution (108th Amendment) Bill which reserves 1/3 of the seats in the Lok Sabha for women, without sub-categorization on other considerations, was passed by the Rajya Sabha on 9 May 2010. The Bill still requires the approval of the Lok Sabha and 50 per cent of the state Legislatures prior to Presidential assent to become a law.
80. *LSD*, vol. IV, no. 6, 1 March 2000, p. 151.
81. Ibid.
82. For an account of the debate and opposition unity, see Venkitesh Ramakrishnan, 'What Price Victory?', *Frontline*, vol. 25, no. 16, 2–15 August 2008, pp. 4–9.
83. Even in the 14th Lok Sabha there were attempts in this direction particularly on the deeply divisive issue of nuclear agreement with the United States of America (USA).
84. India has had 15 Speakers from 1952 to 2009, hailing from political parties indicated against their names:

1. G.V. Mavalankar, 15 May 1952–27 February 1956, Indian National Congress (INC)
2. M.A. Ayyangar, 8 March 1956–16 April 1962, INC
3. Sardar Hukam Singh, 7 April 1962–16 March 1967, INC
4. N. Sanjiva Reddy, 17 March 1967–19 July 1969, INC
5. G.S. Dhillon, 8 August 1969–1 December 1975, INC
6. Bali Ram Bhagat, 15 January 1976–25 March 1977, INC
7. N. Sanjiva Reddy, 26 March 1977–13 July 1977, Janata Party
8. K.S. Hegde, 21 July 1977–21 January 1980, Janata Party
9. Balram Jakhar, 22 January 1980–18 December 1989, INC
10. Rabi Ray, 19 December 1989–9 July 1991, Janata Dal
11. Shivraj Patil, 10 July 1991–22 May 1996, INC
12. P.A. Sangma, 25 May 1996–23 March 1998, INC
13. G.M.C. Balayogi, 24 March 1998–3 March 2002, Telugu Desam Party
14. Manohar Joshi, 10 May 2002–2 June 2004, Shiv Sena
15. Somnath Chatterjee, 4 June 2004–16 May 2009, CPI (M)

85. His unique position is illustrated by the fact that he is placed very high in the Warrant of Precedence, standing next only to the President, the Vice President, and the Prime Minister. The Constitution provides that the Speaker's salary and allowances are not to be voted by Parliament and are to be charged on the Consolidated Fund of India.

86. It is noteworthy that the refusal of the Speaker to resign following the withdrawal of support of the CPI (M) to the government in 2008 led to his suspension from the party. Chatterjee held on to a hallowed convention of Parliamentary democracy while the party strove to drive home the point of its own primacy.

87. Madhu Dandavate mentions an incident of Jawaharlal Nehru sending a note to Speaker Mavalankar which read, 'Sir, I have some urgent work with you. Will you come to my chamber?' Mavalankar wrote on the same note, 'According to the accepted conventions of parliamentary life, a Speaker does not go to the chamber of any executive, including that of the Prime Minister. However, if you have any work, you are welcome to my chamber.' Nehru returned the same note saying, 'I give my unqualified apologies to you for the impropriety I have committed. Sir, I am coming to your chamber to discuss the proposition.' Madhu Dandavate, 'Rajya Sabha in Indian Polity', in Yogendra Narayan (ed.), *Role and Relevance of Rajya Sabha in Indian Polity* (New Delhi: Lok Sabha Secretariat, 2004), p. 13.

88. It is interesting to note the principle advanced by Speaker Somnath Chatterjee in this context: 'Parliamentary democracy can be strengthened only if those who indulge in or abet in activities or behaviour incompatible with the established norms are made to account for such conduct individually or as groups, separating them from the institutions they happen to be associated with.' Jawaharlal Nehru Memorial Lecture on 'Status of Parliamentary Democracy in India' (New Delhi: Jawaharlal Nehru University, 14 November 2007).

89. The only earlier Indian law that recognized political parties was the Election Symbols Order of 1968.

90. It is important to note that the National Commission to Review the Working of the Constitution (NCRWC) recommended, 'That the power to decide on questions as to disqualification on ground of defection should vest in the Election Commission instead of in the Chairman or Speaker of the House concerned'. *Report of the National Commission to Review the Working of the Constitution*, vols 1 and 2 (New Delhi: Universal Law Publishing Co. Pvt. Ltd, 2002), p. 93.

91. While the Court has upheld the Anti-Defection Law provisions, it has argued that the decisions of the Speaker/Chairman of the House are subject to judicial review. See Chapter 6 of this volume.

92. Balveer Arora 'The Indian Parliament and Democracy', in Ajay K Mehra, and Gert W. Kueck (eds), *The Indian Parliament: A Comparative Perspective* (New Delhi: Konark, 2003), pp. 14–41.

93. The institutional complex of the Parliament has seen significant innovations in the conduct of the business of the House. Some of the major initiatives and innovations introduced by the Indian Parliament, over the years, include the Calling Attention Notices, Half-an-Hour Discussions, Short Duration Discussions, Business Advisory Committee, Committee on Papers Laid on the Table of the House, Committee on Government on Government Assurances, and others.

94. Matters which are not points of order or which cannot be raised under the rules relating to questions, short-notice questions, calling attention, motions etc. fall under rule 377. Presently 15 members per day are permitted to raise mattes under rule 377.

95. For a general introduction, see John D. Lees and Malcolm Shaw, 'Committees in Legislatures: A Comparative Analysis', *The American Journal of Comparative Law*, vol. 30, no. 2. (Spring 1982), pp. 343–7.

96. *AIR* 1998 SC 2120.

97. See *Report of NCRWC*, p. 112.

98. Ten Members of Parliament were expelled in 2005 in the 'cash for query scam' and four Members of Lok Sabha were suspended in 2006 for their role in irregularities

related to the MPLADS funds. Further another member of the House was suspended for misuse of facilities provided to a member of a House in 2007. Also see, Somnath Chatterjee, Sarat Chandra Bose Memorial Lecture on 'India at Sixty: Achievements and Challenges', Kolkata, 1 September 2007.

99. They come from different persuasions: For instance, Arun Shourie has advanced the following suggestions: (i) Maximum penalty for violating the rules of the house. (ii) If due to disorder the business of the house cannot be conducted, it must be adjourned, for fifteen minutes at a time. (iii) The rule for quorum must be seriously enforced. (iv) Innovations such as the Zero Hour need to be done away with as it has not helped in advancing any specific alternatives to pressing problems but has often led to the disruption of the house. (v) The proceedings of the house could be televised by private channels as well. (vi) While freedom needs to be restored to the members to speak against a Whip, except in the case of no-confidence motion, he/she should not be allowed to make wanton charges by resorting to the protection under Article 105 (2). ... this article be amended to clarify that the immunity extended to members should not cover illegal acts such as giving and receiving bribes for voting or speaking in a particular manner in the house. (vii) ... confiscation of the property of a public servant who is found to be in possession of property disproportionate to his known sources of income, shifting the burden of proof on the public servant. Arun Shourie, *The Parliamentary System: What we have Made of It and What we can Make of It* (New Delhi: Rupa & Co., 2007), pp. 102–11.

100. See Rajni Kothari, *Rethinking Democracy* (New Delhi: Orient Longman, 2005), and Rajni Kothari, 'Issues before Indian Democracy: An Overview', in Rajendra Vora and Suhas Palshikar (eds), *Indian Democracy: Meanings and Practices* (New Delhi: Sage, 2004), pp. 45–54.

Conclusion

The Parliament and Democracy in India

THE PARLIAMENT IS the nodal centre of Indian public life. The other public institutions at the all-India level are second-order institutions and, while India's civic life foregrounds the Parliament, its sustainability and richness largely depends upon the health of the Parliament. While the state Legislatures are autonomous, the Parliament is invested with powers to ensure the overall health of the polity and in many ways it is their model and exemplar. While the development of the party system has contributed much to the autonomy of the Executive, enabling it to exercise its leadership over the Parliament without the support of the prevailing part of the Parliament, the writ of the Executive can evoke little consent in a complex and diverse polity such as India. Parliament plays a major role in imparting legitimacy to the acts of the Executive, its programmes and policies. Further, the elected representatives provide channels of communication through a series of 'input' and 'output' operations. The Judiciary may claim itself as the custodian of the Constitution and act as the balance between the contending levels and powers of a complex array of public institutions, but eventually the composition of the Judiciary and sustenance of the conditions of its endurance are formulated and given concrete shape by the Parliament. Civil services and burgeoning public institutions of a myriad kind are the creations of the Parliament. The scope and limits of the ideological institutions of the state, such as the universities and the academia, media, and watchdog bodies are formulated by the Parliament. The Parliament not merely proposes public institutions but also strives to enforce accountability over their actions. Through a number of specialized bodies the Parliament attempts to ensure that what it has willed is effectively carried out in accordance to its wishes.

The Lok Sabha is the epicentre of Indian Parliament and, over the years, its public presence has grown enormously, although its formal powers vis-à-vis the Rajya Sabha have remained largely unaltered. One can become a member of the Rajya Sabha by being in the good books of the political bosses, but such graces do not suffice to be a member of the Lok Sabha. Constituencies are large and diverse, their boundaries are periodically redrawn, and incumbency takes its toll. Even the most seasoned politicians are apprehensive about the electorate. Often this fear has prompted many political defections. Given this accountability that a constituency exerts there are compensations in plentiful measure, and every regulatory body eventually is forced to reckon a member of the Lok Sabha in its zone of jurisdiction as a person on his/her own right.

It was not easy for India to opt for Parliamentary democracy as there was no precedence. The argument of experience had its appeal, but it was countered by others in no small measure. We need to look to other explanations as to why India chose to opt for Parliamentary democracy and why it has endured over time. Even someone like Mahatma Gandhi, in spite of his continued avowal of the conception of *swaraj*, was better disposed to Parliamentary democracy than other modes of governance. Indian Communists took to Parliamentary democracy when the Communist movement had scant respect for the system, and over the years the latter has succeeded in retaining the fealty of most of them. Be it Congressmen in the 1920s or Communists in the 1950s, those who threatened to 'wreck the Parliament from within' themselves came to be beguiled by the Parliament.

This significance of the Parliament in India's public life rests upon three of its very important attributes which came to be articulated in the *Constituent Assembly Debates* (*CAD*). It holds the Executive to accountability and ensures a responsible government. When these were grossly violated during the Emergency, the Parliament had its last laugh. In a society where these two values had little cultural depth and subjects looked up to their rulers, it was a major initiative that turned power relations upside down. Second, while such accountability and responsibility could be exercised in different ways, Parliamentary democracy does it on a day-to-day basis. In this way all authority has to reflectively consider whether the measures they take would be endorsed by the Parliament and public opinion. Parliamentary democracy has placed all authority under a scanner. Anti-defection measures, although meant to ensure political stability, hamper this daily plebiscite to an extent that the opposition can still ensure the loss of face to government and erosion of public support. The third argument that came up in the Constituent Assembly was the capacity of Parliamentary democracy to reach out to and encompass the broadest range of diversity. Those who are knowledgeable have argued that there is no country in the world as diverse as India. In a way, the Parliament has succeeded in bringing this great diversity to be reflected in Indian public life, and public

policies cannot but be sensitive to and respond to this diversity. Intellectuals who have responded to our queries think that this has been the greatest strength of India's democracy and they feel that the Parliament has been much more receptive to this diversity over the years as compared to the earlier years. Making a place for diversity also implies reaching out to minorities of different kinds. While this has not been done in adequate measure, particularly with regard to Muslims, Parliament as an institution has an inherent capacity to make the polity sensitive to this issue. Even a small minority can make a big difference in the election of a candidate and, therefore, the high and mighty have to eventually go bending on their knees to even small groups which otherwise might feel insignificant. Encompassing diversity does not mean adequate representation. While the Parliament has succeeded in making a range of diversity present within its portals whose bounds have widened over the years, certain groups have found inadequate presence there. While all shades of diversity present in a country like India can never be represented, or represented adequately, there is a problem if a significant group present in the public domain continuously has a consistently bad showing and is ill-represented or not represented at all. In this context we have argued that the Rajya Sabha could be the representative site to mirror India's diversity and it can become a counter weight to the limitations and majoritarian impulses of the Lok Sabha. However, representing diversity will remain a major challenge before the Lok Sabha. While decentralization of powers to the states and local governments through formal and informal processes may succeed in attending to some of the claims of diversity and those of the minorities, the trend has been to make their presence felt at the union level and seek adequate representation there. In this regard the role of the Lok Sabha can never be gainsaid.

There have been proposals in India from time to time to switch gears to a Presidential system or a Parliamentary form that can ensure greater stability. Our study argues that the Parliament has generally succeeded in inventing solutions to its problems and it is not necessary to replace it with some other institution. The development of coalition politics and anti-defection measures are some of the ways by which stability of the Parliament has come to be institutionalized. Several of our respondents regard these developments as very positive, and there are very few who are prepared to barter Parliamentary democracy to the Presidential or any other form of government.

The social composition of the Parliament underwent a remarkable transformation from 1952 to 2004. This transformation is reflected through several indicators. It is also important for us to note that this was not a single progressive transformation unfolding itself, but involved several mediating phases and foreclosures that cast their long shadows not merely in institutional arrangements but also in the social relations that they shaped and the memories they left behind. The intermediate phase of the 1970s helped us to

grapple with the remarkable social transformation in the late 1990s and the first decade of the third millennium.

With regard to the educational accomplishments of the members of the Indian Lok Sabha, we can locate a complex trajectory. The early Lok Sabhas were dominated by a section of members who were highly educated either in the major centres of learning in India or abroad. Quite a few of them also carried the legacies of the national movement with them. A number of them hailed from socially and economically prominent families, urban as well as rural, and this imparted to them a great deal of intellectual, moral, and social resources which elites all over the world have displayed and used as entitlements. In many ways they were the Burkean 'natural aristocracy' of merit and judgement. We have to also remember that there were other representatives in the House who had few resources of this kind to flaunt around. Some of them were accommodated through the process of political reservation as in the case of Scheduled Castes (SCs) and Scheduled Tribes (STs); others through the electoral process spearheaded by political parties. But their subordinate position was writ large in their relatively limited accomplishments and reach. While this subordinate group was not internally cohesive, many of its members did not let an oligarchy or hierarchy entrench itself by highlighting the genuine grievances of the social groups they identified with. In the 1970s the calibre and the recognition of a member underwent big changes. During this decade, educational accomplishments did not seem to have made a big difference to members. They hailed from the *mofussil* or hinterland institutions with a strong plebeian imprint in their educational career and enjoyed little respect among their peers. The 'natural aristocracy' was being whittled down and in the absence of another socially cohesive set of representatives taking its place, an institutional patriarchy in the name of pro-poor policies, welfarism, and socialism came to be put in its place. But there was a remarkable change in the 1990s. During this decade and beyond, members of the House were not merely endowed with higher but highly diversified educational accomplishments as well. Further, a large number of members of the House were trained in professional, technical, and vocational fields and not merely in liberal education. There was a correlation between the growing educational diversification of the upper echelons of Indian society and the educational accomplishments of the members of the House in the 1990s.

It is well known that legal professionals dominated the early Lok Sabhas. They continued to have significant presence even in the 1970s but the remarkable turnover in the 1990s is the diversified occupational backgrounds from which members of the House hailed. Besides, a large number of members pursued several occupations ranging from agriculture to services and industry. One can notice, however, a sharp cleavage on social fault lines. Members

belonging to SCs and STs generally hailed from relatively undistinguished careers in the legal profession, education, and agriculture. There was a closing of rank between sections of the members hailing from Backward Castes and the upper castes with regard to the pursuit of occupations. Further, members of the Lok Sabha hailing from the southern and western parts of India were caught in a much more diversified occupational network involving advanced skills and competences compared to their northern counterparts. One of the interesting developments in the 1990s is the attraction of a seat in the Lok Sabha to leading members of industry, commerce, and other professional circuits. In the 1990s it became extremely difficult to mark off a member of the Lok Sabha as urban or rural as they saddled this divide through several bridgeheads. It led to a reinforcement of the social base of the Parliament while rearticulating subordination in new and subtler forms.

Recent literature on Indian politics has highlighted the rise of Other Backward Classes (OBCs) to prominence from the 1980s onwards. This study, while corroborating such evidence, draws attention to several other facets of this development. The OBCs were at the margins of the Lok Sabha in the 1950s and in terms of group representation and its intensity, it was mainly the abode of the brahmins and the upper castes. The SCs and STs were there in fairly large numbers but this was mainly on account of the political reservation extended to them. There is little evidence to suggest that in the absence of reservation they would have ever found themselves there, particularly in such large numbers. The Muslim representation was weak compared to their numbers; other minority representation was small and given their numbers it could not be otherwise. The latter had little capacity to tilt the balance. Therefore those who hold the Lok Sabha of the 1950s as the exemplar do not adequately appreciate the fact that its 'exemplariness' was constituted by excluding the representation of large masses although challenged by a weak opposition. It was a virtual mode of representation for all purposes, not a democratic one. Things began to change in the 1970s at a remarkable pace. The regrouping of the OBCs then denoted simultaneously the coming to prominence of the peasantry, and caste and community identities. In the 1990s, however, the OBCs became a prominent face of the Lok Sabha securing on an average over 20 per cent of the seats. What is remarkable, however, was the continued hold of non-brahmin upper castes in the Lok Sabha with strong ties to land and control over the countryside. Their dominance was a testimony to the weakness of liberal representation resting on equality of citizenship. This dominance persisted in the 1980s and the 1990s while brahmin representation continued to be fluid. The rise of the OBCs affected adversely the brahmins much more than the non-brahmin upper castes. Muslims suffered a bad deal in the Lok Sabha. Their best record was in the seventh Lok Sabha (1980–5) and it owed much to the context. While the representation that other minorities secured was never very significant, it

was close to their demographic weight. The SCs and STs have not been able to make much dent in the non-reserved constituencies except a couple of members in an election or two. Women's representation never crossed the 10 per cent mark. Some of the prominent political leaders that we had interviewed were of the unanimous opinion that one of the biggest weaknesses of the Lok Sabha was the proportion of women representation in the House. There has been a near universal chorus to ensure them a minimal representation through constitutional reservation. However consensus on its content has been elusive and there is deep apprehension about its consequences on the existing articulations of power. A significant number of members of the House and other public intellectuals including political leaders suspect that women reservation may tend to reinforce upper caste dominance at the cost of the achievement of the OBCs over the years. A weak articulation of the values of equality of citizenship and rights, a strong stress on social groups, particularly caste and communities, entrenched electoral interests and the continued marginality of Scheduled Castes and Scheduled Tribes representation largely owing to joint electorate, have come in the way of ardently championing enhanced representation to women.

Age wise, the majority of the members of the Lok Sabha have oscillated between 35–55 years. In the first Lok Sabha while the average age of members was 46.5 years, it reached its peak at 55.5 years in the 13th Lok Sabha. While formally the Lok Sabha seemed to be ageing in the 1990s, if we factor in the nearly doubling of the age of the Indian population from 1951 to 2001, the Lok Sabha seemed to be much more reflective of the age of the population in the 1990s in comparison to being the 'rule of elders' in the 1950s.

It is difficult to suggest a strong urban–rural divide with regard to the residency of members of the Lok Sabha. However, given the occupational diversification, such dividing lines have become further remote. In a way, members of the Lok Sabha have become the great bridgeheads of the rural–urban divide in India and demonstrate the inclusive reach of Indian democracy. The urban–rural cleavage has not been a great qualifier of the membership of the Lok Sabha. In fact the Lok Sabha straddles this divide like few institutions do in India. While nothing can be stated with certainty regarding the income and wealth of the members of the Lok Sabha,[1] their sources are highly diversified in the 1990s. Further the access to sources of income and wealth remain highly skewed. The better educated, those drawn from corporate backgrounds and connections, and the upper castes have a better reach to these resources compared to the SCs, STs, and the lower segments of the OBCs.

The social composition of the House has definitely tended to be more inclusive over the years. Members increasingly hail from diversified occupational backgrounds and the House, in certain important respects, reflects the changing socio-economic context of Indian society. Going by the familiar social

clusters, two major groups that are inadequately represented in the House are Muslims and women and there has been little change in the proportion of their strength in the House. By the electoral logic of India there is little chance of an unmarked industrial worker and landless labourers making it to the Parliament, let alone continue to remain one.

The specificity of the conditions in India makes the idea of representation one of the most complex and tortuous ideals to be pursued. Equal representation holds out a significance in India's deeply unequal and hierarchic society that has few parallels elsewhere and therefore the associated measure of 'one person, one vote' has had a significance much more than the universal adult franchise movement tended to convey. Representation in India has also given expression to competitive group pluralism and in the process social groups have reformed and rearticulated themselves. It has ensured that no single group identity be that of class, caste or community takes hold of the representative arena for long without being contested. It has accorded special representation to certain marginalized groups in a formal constitutional sense while many historically and demographically marginal groups have employed the competitive arena to assert their presence. This representative system has vied to set developmental and welfare priorities in a post-colonial society of bewildering diversity. One of the ways that the idea of representation has been posited and institutionalized has been through the party system. Without political parties the continued, but at the same time changing, engagement of the representative with his constituency on one hand, and the connectivity and bond with the polity as a whole on the other would have been impossible. Parties have provided the feedback, elicited a considered response and endorsed representatives on a continued basis. Those Independents who had a fair proportion of representation in the first two Lok Sabhas became increasingly rarer in the subsequent Lok Sabhas. The diversity and complexity of the political party system in India is partly an outcome of the complexity of representation in place. One of the remarkable shifts in India over the years has been identity and region-based parties usurping the idea of representation. In this development a representative strongly identifies himself with a community, ethnic group or region and his or her idea of representation invokes primacy to such loyalties. Through political parties such affiliations are invoked and echoed across the polity. The idea of the citizen community either recedes in the process or has to redefine itself by taking into account these multiple and complex web of affiliations. Such a development has very large implications for our understanding of nationalism. The vehemence with which members of the House have upheld their belonging to regional, religious, and cultural identities demonstrates that the nation itself has to be conceived as a strongly marked belonging which demands a decisively autonomous role from the Parliament as a whole.

At the same time the reparative and compensatory policies of the state including political representation to marginalized groups has not gone without its heartburns. We have traced the remarkable shift that the idea of representation makes from the 1950s to the present. In the 1950s, national unity was highly valorized and assertions of differences were not publicly acknowledged, were suspect, and occasionally came to be denounced in the Lok Sabha. This was reflected in the ambivalence displayed to the idea of federalism and even to such electorally manifest identities like caste and community. Those who argued that the nation was an entity inclusive of its diversity were few and far between. We find a great deal of prevarication on the issue of constituting state units on the basis of linguistic affinity. It made the Lok Sabha take a very narrow view of permissible and non-permissible political actions. Any movement that overstepped such limits was seen as endangering national unity. Representation was conceived in very strong developmental terms. A good representative was the one who was the partisan of a set of developmental concerns, understood as a set of economic initiatives either in his constituency or elsewhere through resources that he could access through the state or his constituency.

In the 1970s, we find the House very sharply divided on the issue of representation and this division persisted across the fifth and sixth Lok Sabhas. In the early 1970s a dominant section of the House argued that the truth of representation primarily lay in making an attempt to meet the basic needs of the people and to pursue their welfare through speedy economic development. Many of them thought that state socialism was a better way of pursuing these goals. This section did not have much of a regard for rule of law, separation of powers, democratic accountability, and procedural norms. They knew what the people wanted! There was a concerted attempt to depreciate the call to make the Executive accountable. The other section of the Lok Sabha saw in this idea of representation implicit strong authoritarian tendencies. They argued that the major task before a representative was to strengthen democratic accountability by reinforcing civic institutions, federal distribution of powers and popular participation. In the Jayaprakash Narayan-led Movement (JPM), this second tendency came to be fused. In the sixth Lok Sabha the tone of the House came to be reversed. Now the dominant section spoke of rule of law and civic institutions and decentralization of power while internally imbibing within itself numerous group interests. The opposition denounced such attempts as denial of social and economic rights of the citizenry as a whole, negligence of marginalized groups and alienation of minorities, and inadequate concern to national unity and developmental priorities.

The idea of representation was always caught with concerns of development. In the fifth Lok Sabha the issue of development was dissociated by the prevailing discourse as a people's concern and conferred a formal status. It was

de-linked from the contested sphere of representation and a specific path for it was proposed. Whosoever was not in agreement with such a path of development was denounced as inimical to the interest of the nation and its people. Representation came to be increasingly tied up with leadership. Leadership was attributed an extraordinary insight into the needs of the people and a direct rapport between leadership and the masses came to be postulated. The interests of the people and their rights now securely reposed in the will and actions of the leader. Given this tendency, one was either with the establishment or against it and a notion of strong partisanship came to inform representation. This transformation of the understanding of representation resulted in several social groups opting out from the grand coalition that the Congress wielded hitherto and threw up their own distinct leaders who were now involved in a 'do or die' struggle with the establishment. Sometimes such an understanding of representation was narrowed down to clusters of castes, communities, identities, and regions. The SCs and STs came to be truly marginalized during this period while the 'nation' spoke of safeguarding their interests. Paradoxically such a one-sided view of representation went hand in hand with the larger voter turnout of the 1970s, registering a profoundly difference-sensitive and equalitarian conception of the nation.

The Janata regime of the later part of the 1970s reflected some of the developments of the early 1970s in its understanding of representation. The former opposition which came together as the governing regime attempted to focus on the rights issue and the sanity of public institutions. It also invoked the rule of law. However, beyond this creamy agreement on what for many were nebulous notions of representation, cleavages of differences on priorities and approaches loomed large. Further, many policies that the Janata regime pursued were of a contradictory kind. Sometimes in the name of restoration of public institutions existing institutions were disbanded. When spokespersons of the regime raised the rights issue, the opposition led by the Congress spoke the language of social and economic rights. Given the disagreements within the Janata formation regarding social and economic rights, often the language of rights itself tended to be slippery and did not wield a strong platform. In the internecine squabbles within the Janata formation, often the notion of representation came to be bogged down to the defence of factional interests or ideological tendencies such as Hindu nationalism.

In the 1990s, the idea of representation increasingly took a turn to speaking identity and cultural belonging which, in the way they were foisted, tended to be deeply divisive as reflected in debates over the Mandal issue, Ram Janmabhoomi agitation, and so on. Representation also increasingly took on a regional and linguistic focus. A number of political parties made their presence felt by identifying and relating to them. This shift in representation made it almost inevitable to resort to coalition as a mode of governance. The

ethnic, cultural or identitarian turn to representation set aside the larger and inclusive focus on the citizen community as a whole. This vacuum came to be filled by the idea of liberalization. The Parliament had little to do with the turn to the market. It was in a way thrust on it and was defended in the name of national interest. In the 1990s, the Bharatiya Janata Party (BJP) came to entrench itself by appealing to the ideal of communal majoritarian representation. Put simplistically, it advanced the view that a majority constituted on the basis of cultural and religious affiliations informs the nation and has a right to rule. Such a proposition attempted to silence all the foregrounding conditions of representation such as consent and rights. Marginalized groups sought to present themselves in identitarian moulds collapsing issues of class exploitation and exclusion. In the 1990s, therefore, the idea of representation was truly caught in a whirlpool susceptible to manifold and diverse pressures. In the absence of a principled agreement on these issues, there was an inordinate focus on the Parliament with few things to guide it. Often the Parliament bore the marks of being a witness rather than a representative.

Language was one of the most contentious and divisive issues in the first two Lok Sabhas. As the nation wrestled for its language, the Lok Sabha itself was searching for a language of expression and many of the members regarded this concern as the dividing line between authenticity and subordination. The distancing from colonial trappings on one hand and the rights of the minorities on the other were closely bound up with such considerations. Further, the issue of language had much to do with the conception of nation and its on-going life. In the 1970s while there was a formal reassertion of the national language, this issue came to be largely drowned in the contestations on the sanity of public institutions, accountability of Parliament, and scope and range of civic life. In the latter half of the decade, diverse regional identities made their presence felt in the Lok Sabha and English was under attack from a resurgent peasant–socialist–Hindutva bloc. In the 1990s, however, the issue of linguistic identity became highly mellow and the approach to language became increasingly more functional. The reinforcement of regional languages has greatly contributed to the strengthening of the regions.

In the 1990s language concerns shifted from the forum of the Lok Sabha to the civil domain. Language was no longer an issue of contestation in the Lok Sabha, particularly Hindi vis-à-vis the regional languages. Most of the regions had come to live their life within the ambit of their regional languages and their appropriation of Hindi was highly selective and pragmatic. English survived and had even expanded its demographic reach, not on account of a strong sense of belonging that it invoked but on account of its utility. The market which has increasingly inserted itself in the space of equality of citizenship celebrated English and its continuance. It was argued that it enabled transactions not merely across the nation but worldwide. Many members of

the Lok Sabha today are comfortable in invoking multiple linguistic identities as the markers of their own self.

This shift in the reconfiguration of the relationship of language to national life is not reflectively formulated in a strong sense by the Lok Sabha. But by living this relation in its own internal life as an institution, it was upholding an ideal before the nation which was reflected increasingly in its day-to-day life. Such bonhomie, however, has thrown up several problems. Regional languages with which many members of the Lok Sabha have come to identify themselves, particularly through group related shift to representation, have become enormously weak and their strength has been emasculated under the onslaught of English. Therefore, the dense and rich cultural life lived within the precincts of regions has been susceptible to erosion. Second, the prospects that English holds out makes many people particularly the young desert their anchor in the regional linguistic milieu when politics has increasingly shifted its gaze to groups and regions. Third, there are linguistic minorities scattered across regions which tend to privilege English over the regional language of their domicile. Often these minorities play an inordinately greater role in the overall life of the society and therefore their privileging of English holds a threat to regional identities around which members of the Lok Sabha increasingly rallied in the 1990s.

National unity had an overriding value over considerations of region, culture, and even religion in the deliberations of the Lok Sabha in 1950s. Such a privileging of the nation, however, did not necessarily involve a call for the erasure or undermining of other sites of situatedness as we see in several other nationalistic assertions elsewhere. At the most the relationship between the nation and the other locations of shared life was expressed through relations of unity and difference, priorities and subordination, and the more-significant and the less-significant. These were not watertight blocs, and hence could, under conducive conditions, beget interesting alternative possibilities. This wisdom that came to be formulated partly through the national movement but more importantly through the deliberations of the Lok Sabha in the 1950s took on overt and essentialized tones in the 1970s, contrasting the nation and state on one hand and nation and democracy on the other. Demands for substantive expansion of democracy and alternative conception of nationhood came to be perceived as a threat to the nation and state. We also find in the 1970s aggressive assertions of regional identities and plural but differentiated belonging, which, however, did not find the requisite civic and political space to anchor themselves in, and were driven into the opposition. What we saw in the 1990s was a remarkable turnaround of the polity which we have described as the regionalization of the nation. Alongside this development we also find the rise of diverse types of community assertions. The SCs and STs who came to be largely placated by relocating their elite in a complex system of preferential

measures after independence began to assert themselves as autonomous entities, although such a pursuit diverged in significant respects. While organized SC expressions overtly sought political power within the existing articulation of the nation, STs clamoured for the formation of autonomous states, recognition for their identities, and participation in devising and directing policies which affect their lives. The nature of the party system underwent great changes largely on account of these developments. Regional parties not merely came to play a major role, but they proved decisive in designing winning coalitions and keeping them afloat. The nature of Indian federalism too underwent significant alterations in the process. States became important players and in many instances regions came to have a life of their own, unthinkable before.

The transformation reflected in the Lok Sabha in the 1990s and the challenges that confronted it have much to do with the complex institutional arrangements that were taking shape in Indian federalism. The ruling party or the coalition during this period did not necessarily enjoy pre-eminence in all the states of the federation. Therefore it became difficult for the ruling party/alliance to contend against the opposition and vice versa beyond an extent unless they wished to dig their own grave. Further, none of the political parties enjoyed a decisive nationwide support and were inevitably constrained to look for allies to form a majority. Such a situation often increased the scope available even to small parties, making them significant players beyond the confines of their own regions. This complex networking accorded to the Parliament a nodal agency significantly different from what it was in the 1950s and 1970s. This development also precluded the possibility of confining a regional party permanently to the margins as far as national affairs were concerned as was the case in the 1950s. It led to a specific re-enforcement of the party system in India. What was afoot was not merger with another but alliance with it, if a political party had a reasonable chance of making its presence felt in the electoral arena. The anti-defection provisions have also accorded certain stability to political parties and strengthened the role of party leadership which was caving in to Parliamentary leadership in the earlier decades. At the same time, however, these provisions have affected the quality and independence of the debates in the Parliament. Members of political parties have to be cautious about the bearing of their stances and arguments on the stated positions of party leadership. The existence of a whip may tend to make a member of the House not push an argument all the way but to tailor it to the ideological sensitivities of the party even on deeply divisive issues. It has made party positions highly rigid within the House. The threat of being cast into political oblivion and losing the membership of the House is one that few members can countenance. Therefore it is important to reopen the question whether, to ensure political stability, the price demanded by the anti-defection provisions are called for.

The tendency to assert pluralism or diversity, such a prominent feature of Indian political life today, cannot be seen as an attempt to promote a notion of nationalism distanced from individual rights or a post-modern tendency of de-centring of the nation or the consequence of the global turn of Indian polity.[2] Our study does not seem to be suggesting such an outcome. In fact, it suggests that expansion of electoral democracy has brought large masses of the population to make their presence felt and weakened the role of the 'gatekeepers'.[3] Sunil Khilnani has suggested that India took overboard from the beginning the strain of cultural difference in the making of its national identity[4] and he largely credits Nehru for this wisdom. Nehru, according to him, avoided 'the liberal presumption that individuals could transcend their cultural inheritance and remake themselves however they—or their state—happened to see fit', or seeing 'cultures as self-enclosed wholes, hermetic communities of language or belief'.[5] We have argued that these developments are the products of the working of Parliamentary democracy in India rather than a road map envisaged by an original impulse formulated by Nehru.

At the same time our study demonstrates that the rooting of a deeply diverse and differentiated version of Parliamentary democracy has bred strong cleavages at every level, that are being reinforced by the additional resources that the democratic upsurge has precipitated. Undoubtedly most of these resources are not economic but concerned with issues of status, position, dignity, and hope.

While institutional reform of the Parliament in general and Lok Sabha in particular did not keep abreast with the increasing demands over the Houses, it is important to note that there were significant changes underway in this regard particularly in the 1990s. New mechanisms were put in place not merely to share additional work but to involve members of the Lok Sabha actively in the life of the House. These institutional changes helped the Lok Sabha to handle some of the most contentious measures where equal rights of the citizens where pitched against organized group interests, special considerations towards marginal groups, and social security concerns towards the poor. Against the argument that there was a great deal of decline in the institutional functioning and competence of the Lok Sabha in the 1990s, we have advanced the view that the evidence supplied in this regard is not very conclusive.

Leading public opinion makers and even important political leaders consider the 1950s as the period when the Lok Sabha outshone itself vis-à-vis subsequent periods. While a majority of them acknowledge that the bounds of the Lok Sabha have radically expanded over the years, they are not prepared to admit that this expansion itself has to be appreciated as an independent value. However, most of those who take such a stance are not prepared to trade-off Parliamentary democracy in India with an alternative mode of governance

such as the Presidential system. For many in India the Lok Sabha may not be the best institutional mode of devising political life, but it is the best of the available options.

The opposition constitutes the backbone of any Parliamentary democracy. It is crucial to ensure the accountability of the Executive as the ruling party members in the House generally tend to tow the line of the government. We have argued that the constitution of the opposition in the Lok Sabha has been one of the remarkable developments in India's Parliamentary democracy. Such an opposition was put together by a group of articulate members of the opposition in the Lok Sabha in the 1950s who grilled the government on some of its leading policies. Although Nehru is credited to have been sympathetic to the rise of such an opposition, when the opposition did make its presence felt on its terms he was placed on the back-foot a number of times. In the 1970s the opposition took on a contrarian posture threatening to wipe the slate clean and write on it afresh. It did not see itself as being in constant and continuous engagement with the ruling party but waging a moral war between right and wrong, truth and falsehood. In the 1990s the opposition almost came to straddle a political space similar to that of the ruling party/alliance. The kinds of policy options available to parties make a continuous engagement with one another a necessity although reveries and electoral reasons may pitch the opposition as well as the ruling party into ideological fantasies. The other major development has been endurance of coalitions beyond defeats and successes in elections. Highly pragmatic considerations have often shaped the options that political parties make in this regard. While ideological lines are not wholly ignored they are fudged in such a way that much space is available to a political party to forge alliances and coalitions. In many ways it demonstrates the settling down of the opposition to the demands and requirements of Parliamentary democracy.

The position of the Speaker in the Lok Sabha continued to remain under the wraps of the ruling party although in the 1990s there were certain significant developments in this regard. We find an increasing tendency to entrust Speakership to a strategic partner in the coalition or to a supporting ally in the 1990s and beyond. It has helped in marking a larger space for the office that was hitherto confined to a member of the ruling party. Besides a series of other developments led to the enormous strengthening of the office of the Speaker. The provisions of the Anti-Defection law are just one of them. Courts have recognized and even applauded the initiatives of the House to chastise its own recalcitrant members and to enforce a code of conduct on them. The expansion of the media, print and electronic, proliferation of civil society institutions, and the growing presence of the Parliament in the international arena have focused on the persona and actions of the Speaker much more than ever before.

The relation between the Parliament and Judiciary has been an important constitutive element in the making of Parliamentary democracy in India. We have discussed the different phases of the articulation of this relationship and have argued that the tension between the Parliament and the Judiciary will persist for an indefinite future and there is no easy resolution to the potential conflicts of their respective domains. However, we cannot simply over-read conflict between their mutual perceptions of jurisdictions. These two institutions have also reinforced each other. The Judiciary has played a major role in transforming Parliamentary democracy into constitutional democracy in India.

The relation between the Rajya Sabha and the Lok Sabha has escaped adequate scholarly attention for too long. We have suggested that rather than see the Rajya Sabha as merely the Second Chamber and a review chamber, a re-articulation of the relation between the two Houses is necessary in India. Given the complex expression of diversity in India, the Rajya Sabha could aptly become the chamber representing this great diversity and pluralism. It can also become an effective counter-weight to the failure of the Lok Sabha to accord adequate representation to significant groups. The Supreme Court judgement setting aside the domicile requirement has been an important development which can help in reimagining such role-casting.

Our approach in this study has been that Parliamentary institutions in India are not a transplant of Westminster institutions but in many ways are *sui generis*. This complex has registered significant changes over time and it is important to identify and measure these changes through a concrete investigation of the empirical factors impacting on it. Public opinion on democracy and its institutions in India is highly unreliable. This opinion valourizes the Nehruvian period with encomia, which it does not deserve, and is not sympathetic to the incursions of the masses into the democratic arena. In India, democracy had to battle its way against its own intellectuals.

The opposition has been effectively domesticated by the Parliament. Strengthening Parliamentary democracy therefore seems to be, at least in the Indian context, an effective answer to combat extremism from the right and the left. On the other hand, Parliamentary democracy in the context of India has demonstrated an uncanny ability to imagine an unlimited number of social groups as political actors, closing the door to class perspective from gaining strength through the deliberations of the House. In fact Parliamentary democracy in India has just shut off certain modes of discourse from being viable and forced its friends and foes alike to speak its own language. While we have identified and highlighted many shortcomings of the institution of the Parliament in India in the course of this study, there is no doubt that it has been the nodal centre of a dialogue with diversity in spite of conflicts and confrontations interjecting this conversation. The Parliament has also

provided an enormous presence to significant marginalized groups and highlighted myriad shades of oppression and differences. While the ability of the Parliament to pronounce and sustain a fair order and hold the Executive to accountability are still to be proven, the distance that it has covered in being the voice of a huge, complex, highly differentiated, and rampantly inegalitarian society can be the envy of any nation in the world.

NOTES

1. The electoral regulations expect prospective candidates to state his/her and spouse's wealth before the returning officer. While it offers a certain yardstick and has been employed by the media for subsequent statements in this regard, given the multifarious holdings and differential assessments, such statements may be the indicators of changing wealth status of a candidate rather than an enumeration of his/her net value.
2. It has been argued that this kind of de-centring that is affecting nations is the 'result of processes of globalization which have pushed nation-states towards supranational integration, and so to the erosion, from above and below, of universalist, "centred" national identities. This erosion has in its turn led, on the one hand, to the emergence of fragmented forms of identity politics, and on the other, to what might be called the "acculturation" of national identities, a reactionary attempt at cultural homogenization in defence against these assertive fragmentary forms'. See John Zavos, Andrew Wyatt, and Vermon Hewitt, *The Politics of Cultural Mobilization in India* (New Delhi: Oxford University Press, 2004), p. 7.
3. Ibid., p. 11.
4. Sunil Khilnani, *The Idea of India* (New Delhi: Penguin, 1998), pp. 166–79.
5. Ibid., p. 171.

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In the course of constitutional developments under colonial rule, there emerged a broad consensus in India that the Parliament would be the most important institution around which the nation would build its public life. This study primarily concerns itself with the working of the Indian Parliament during three distinct phases—the 1950s, the 1970s, and the 1990s and beyond. It interrogates the 'decline thesis'—the argument that the Indian Parliament has been on the decline or has to be superseded by an alternative set of institutions, Presidential or otherwise—which forms the principal subject matter of this study.

Highlighting the way the Parliament has come to encompass India's proverbial diversity, the authors suggest that the shortcomings of the complex of Parliamentary institutions in India can be rectified without replacing them with an entirely new set of institutions.

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